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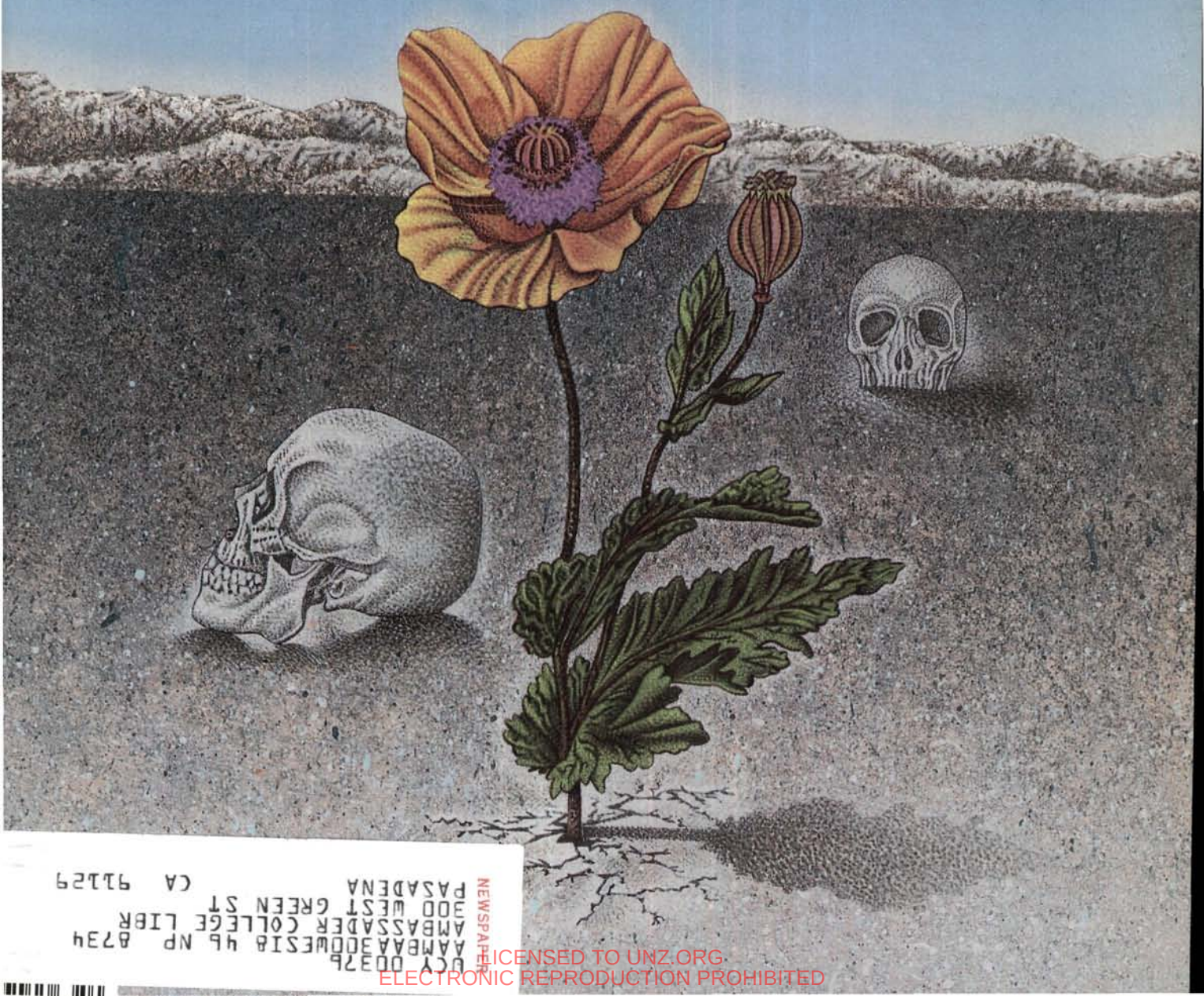

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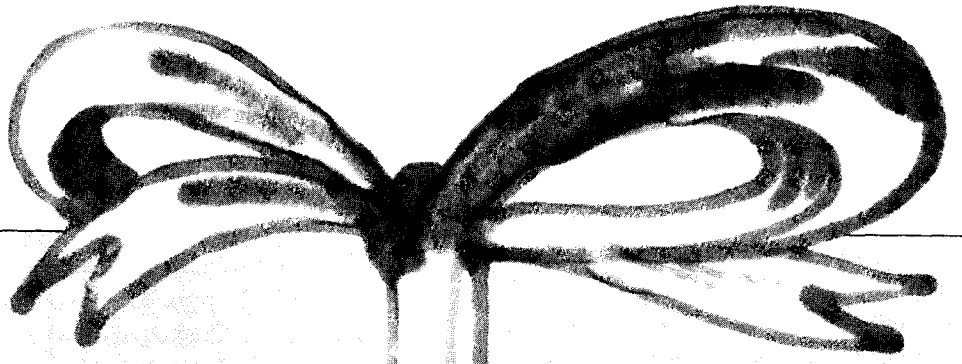

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FROM WASHINGTON

LIARS AND LAWYERS

"I can remember years ago when I represented a fellow in a massive case of political corruption. I was very young, and I asked him, 'Would you please tell me everything that happened.' And he said, 'What, are you out of your mind?' "

This testimony from a now older but wiser criminal defense lawyer (from *Defending White-Collar Crime* by Kenneth Mann, published last spring by Yale University Press) puts in perspective the current delightful fuss in the legal profession over whether lawyers should allow their clients to lie on the witness stand. The Supreme Court has taken up the question this year in the case of *Nix v. Whiteside*.

Emmanual Whiteside stabbed and killed Calvin Love in a drug argument. Throughout preparation of his case, Whiteside told his lawyers that he believed Love had a gun, although he hadn't seen one. Then suddenly, a week before trial, he announced he was going to testify that he had seen "something metallic" in Love's hand. When asked why, he said, "If I don't say I saw a gun, I'm dead."

Whiteside's lawyer said he could not permit his client to commit perjury, and that he would quit and tell the court why if Whiteside persisted. So Whiteside testified without mentioning "something metallic," was duly convicted, and got 40 years. But a federal appeals court overturned the conviction last year, holding that the lawyer's refusal to help his client commit perjury violated Whiteside's Sixth Amendment right to counsel. Amazing? I think so.

"The perjurious client dilemma does not arise often," opines the National Association of Criminal Defense Lawyers in an amicus brief. Of course it arises hundreds of times a day, but criminal lawyers are trained not to see it. Indeed, they claim not to see it in this very case. "Counsel created the . . . problem," they assert, by leaping to the conclusion that Whiteside was lying about "something metallic", just because he'd never mentioned it before.

"Attorneys' ethics requirements prohibit the knowing use of perjured testimony," the Criminal Lawyers concede. But, say these armchair epistemologists, what is knowledge after all? "Lawyers cannot . . . assess their own clients' credibility . . . based upon conjecture, surmise, or mere inconsistencies." I suppose a client could swear on the Bible that he intended to lie in court. But—a lawyer might argue—why believe the sworn statement of an admitted liar, rather than assume he's lying and plans to tell the truth?

Note that the question in the *Nix* case isn't whether lawyers should be forbidden to help their clients lie, or even whether they should be allowed, but whether they should be *constitutionally required* to do so. Note also that the only result of the lawyer's alleged misbehavior was that his client took the stand and told the truth. Nevertheless, the appeals court held that this "impermissibly compromised appellant's right to effective assistance of counsel."

Lawyers who oppose helping clients to commit perjury make their case with all the humility worthy of such a radical proposition. They point out that the jury never learned about the client's attempt to lie—God forbid—and they observe that the lie wasn't a very convincing one anyway. They emphasize that their strong feelings about dishonest clients apply only to court proceedings, and not to run-of-the-mill legal business transactions.

Whiteside's own lawyer, whose perverse insistence on honesty caused this fuss, did everything short of lying to convince the jury there had been a gun, even though he himself was convinced there was none. He tried to cast doubt on the police search that had failed to turn up a gun, and he put on witnesses who had seen the victim with a gun at other times. As Berkeley law professor Phillip E. Johnson says in the *National Law Journal*, "The ethical distinction between lying to a jury and pulling the wool over its eyes is surely a fine one."

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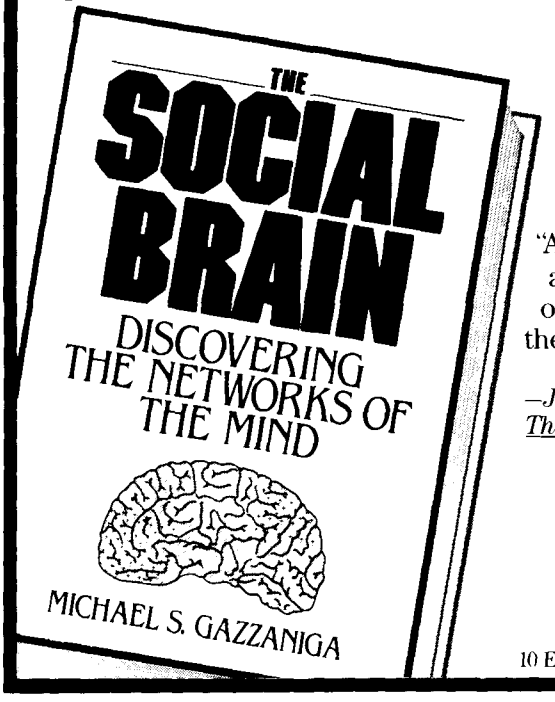

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CORRESPONDENCE

THE POLITICS OF JAZZ

To the editors:

In his article "The Faking of Jazz" (November 18), James Lincoln Collier claimed that he had been duped into believing that Europeans patronized jazz while white Americans downgraded it, and that this concept was fostered by those damned leftist jazz critics. What magic revelation suddenly caused this 180 degree turnabout in his thinking?

Having been on both scenes since Mr. Collier was a child, I can attest to the total fallacy of his claims. So much greater was the demand for jazz in Europe, and such was the shortage of recordings, that John Hammond was commissioned to produce a series of sessions from 1933-35 specially for British release. In any event, what mattered was not the quantity of white U.S. listeners, but the quality of their appreciation. Like other European students, I always regarded jazz as an art form; to most Americans who went "slumming" at the Cotton Club, it was casual entertainment.

Mr. Collier pretends that foreign writers were always "uninterested" in visiting the U.S. I had been writing for only 18 months when I visited New York in 1935; I returned several times before settling there in 1939. Hugues Panassié spent almost half of 1938 in New York; Nesuhi and Ahmet Ertegun, Timme Rosenkrantz, and several other aficionados visited or settled in the States during those years. Robert Goffin lived here for several years in the early 1940s.

The list of writers in Collier's paragraph linking them with the "left-wing press" is laughable if not libelous. I knew these men well; Barry Ulanov, like me, was a staunch anticommunist and antifascist; George Simon was apolitical; Dave Dexter, who always struck me as a conservative both musically and politically, was an early champion of Stan Kenton, later a George Wallace supporter and the most right-wing of all the major jazz figures in his day. To brand men like these as leftists is outrageous. As for my own politics, I never had illusions about the far left and at one time wrote for the *New Leader*, which even Mr. Collier can hardly brand as pro-leftist.

By Collier's own admission, John Hammond tried to write about jazz for THE NEW REPUBLIC, but was rebuffed; because of such obstacles he accepted assignments from the *New Masses*, but most of his writing in the 1930s had to appear in British publications such as *Melody Maker*, *Gramophone*, and *Rhythm*. Hammond regarded the Communists as opportunists who blew hot and cold on the race issue.

There was not a single regular print outlet for jazz in the U.S. when I began writing for *Melody Maker*, where jazz had been covered regularly since 1926. *Down beat* in Chicago and *Jazz Hot* in Paris started within months of one another, in 1934-35, but the former at that time was devoted to popular dance bands and cheesecake photos, along with some jazz, while *Jazz Hot* from the start was a serious, all-jazz periodical.

Racism, a factor neatly circumvented by Mr. Collier, was a central factor. It would not have helped his argument had he pointed out that for years *down beat* and *Metronome* seldom if ever put a black face on the cover; or that while Billie Holiday and Ella Fitzgerald were honored in European magazines, *down beat* celebrated the election as number-one jazz singer of Helen O'Connell and then Dinah Shore. Holiday never in her life won a *down beat* or *Metronome* poll.

LEONARD FEATHER
Sherman Oaks, California

To the editors:

Because what I wrote about jazz in the 1930s and 1940s was published in the *Nation*, James Lincoln Collier places me in the group of politically leftist writers who he says politicized jazz—i.e., whose own leftist political views and those of the papers they wrote for "forced them to regard the world of jazz around them in [the] particular [political] way" he describes in his article.

In actual fact, writing in the books and arts sections of the Bliven/Cowley *New Republic* and the Kirchwey/Del Vayo *Nation* was done by some who opposed the views of the magazines' political sections. And in my own case what I wrote about jazz included nothing related either to my particular leftist political views that were concerned with the Soviet Russian purge trials, or to the published views of those magazines on those trials that outraged me. I was not asked by the magazines to support those outrageous views or to promote any view of the world of jazz. I wrote about what interested me in jazz, which was not the world around it but the music I heard in it. The Louis Armstrong records I had begun to hear in 1932 had corrected the mistaken idea of jazz that Gilbert Seldes's writing in the 1920s had implanted in a mind acquainted solely with classical music: I had learned from Armstrong that jazz was not the slick Paul Whiteman performances Seldes had been enthusiastic about, which I had found unimpressive, but the improvisatory performances by small groups like Armstrong's Hot Five and Hot Seven, in which a solo of his offered the fascinating and exciting experience of moment-to-moment working of a creative mind with an inventive exuberance controlled by a sense for coherent developing form. As a result, the performances of Armstrong, Bix Beiderbecke, Jack Teagarden, and Teddy Wilson were added to those of Toscanini, Schnabel, Szigeti, and the Budapest Quartet that I began to report on to the *Nation*'s readers in 1936.

Those performances were all I was concerned with in jazz then; and I do not agree now with Mr. Collier's contention that "if we are to know what the music means, we must know how it relates to the society and culture from which it sprang."

B. H. HAGGIN
New York, New York

To the editors:

James Lincoln Collier has written a ground-breaking article. As an ardent jazz fan since the age of 12 (early 1938) and an equally ardent conservative, I soon began to feel about as comfortable with the politics of my jazz mentors as an Orangeman in the St. Patrick's Day parade. I know Mr. Collier doesn't share my antediluvian politics, so a double bow to him. I only hope his critics don't fasten on a few questionable but minor statements and thus manage to obscure his central point, which is indisputable.

NEIL MCCAFFREY
Harrison, New York

James Lincoln Collier replies:

I certainly did not intend to imply—and I think did not—that all of the writers mentioned were Communists, or were even aware of the Comintern's policies on jazz. My point was that they gener-

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THE NEW REPUBLIC
DECEMBER 16, 1985

TOO MANY CHIEFS

It isn't often that the Pentagon finds itself outflanked and under attack by the political right. So when Senator Barry Goldwater, the conservative's conservative and chairman of the Senate Armed Services Committee, issued a 645-page report last October calling for sweeping changes in military organization and policy, Defense Department officials took notice. They predictably dismissed the report as just another example of congressional grandstanding and meddling in military affairs. On Capitol Hill surprised Republicans criticized Goldwater. "There will be those who say the system ain't broke, so don't fix it," the Arizona senator retorted. "However, it is broke and we need to fix it."

The most dramatic proposal now under consideration by Congress involves the overhaul and reconstitution of the Joint Chiefs of Staff, a five-man military panel comprising the highest-ranking uniformed officers in the nation. The Joint Chiefs currently include an Army and an Air Force chief of staff, a naval operations chief admiral, a Marine Corps commandant, and a chairman selected by the president from one of the four services to serve a two-year term. Under present law and tradition, the chiefs act as a group in providing the president with military advice. Although the chairman theoretically presides over a collective and coherent body, in practice each member speaks independently as the supreme representative of his branch of the services.

Congressional reformers correctly point out that each chief winds up paying more attention to the needs and interests of his own branch than to the defense of the nation as a whole. When the $300 billion allotment for the Defense Department gets distributed, the Army's top brass inevitably push harder for that new tank than for a new carrier, regardless of overall American strategic requirements. As Republican Representative G. William Whitehurst notes, the system "fosters parochialism" and could lead to serious distortions in the efficient distribution of military matériel.

Potentially even more damaging is the way in which the chiefs make policy recommendations under the gun. In times of crisis, when rapid response can facilitate the success of military actions, the Joint Chiefs may well be of five different minds. They usually hammer out a compromise recommendation among themselves. The final recommendation is likely to reflect not so much the collective wisdom of America's best military thinkers as the lowest common denominator acceptable to each service chief. For example, all four services insisted on having a role in the Iranian hostage rescue expedition. The inevitable difficulties of coordination contributed to the confusion and breakdowns that doomed the mission.

Congress, well acquainted with decision-making chaos, now seems prepared to make the JCS into a more dynamic advisory board. On November 20 the House passed by a vote of 383 to 27 a bill to elevate the chairman of the Joint Chiefs to a position as foremost military adviser to the president and the secretary of defense. In this expanded role, the chairman would gain full control over the 700-person JCS staff, which now answers to all five members, and would be required to submit the annual JCS military budget recommendations on behalf of his four colleagues. Furthermore, the new chairman would be a full member of the National Security Council and would be granted new authority directly over field commanders. The goal: to streamline decision-making on the military level and present civilian leaders with more coherent advice. A strengthened chairman should feel confident enough to place himself above the usual interservice rivalries.

Loyal defenders of the Defense Department are fighting hard for the status quo. Secretary of Defense Caspar Weinberger told the Senate last month: don't rock the boat. Others have made a more sophisticated case. Navy Secretary John Lehman, for example, argues eloquently that a stronger chairman would endanger the separation between civilian and military authority. Such concern from Pentagon officials is certainly welcome. Still, the threat of Caesarism remains remote. The chairman would continue as in the past to make only recommendations, not the actual decisions. In the worst-case scenario, a latter-day Douglas MacArthur as chairman could easily be removed

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by the president under his powers as commander in chief.

The notion that the JCS operates in an egalitarian and therefore optimal way is equally specious. Supporters of the system insist that only with five separate voices can the president truly be free to choose among a wide range of competing ideas. But consensus and compromise can be dangerously slow. Even opponents of the JCS reform admit that, in military terms, a general staff setup, with one strong chief above the others, is extremely efficient at tactical and operational levels. The other service heads, like minority justices in a Supreme Court decision, can still file dissenting opinions following internal debate and discussion, but only one ruling will carry the full weight of JCS approval in consultations with the president.

Enlightened legislators first proposed a change in the JCS structure back in 1945, and the idea has reappeared on the political scene in Washington roughly every five to ten years. The recently approved House bill best captures the spirit of constructive JCS reform now prevalent in Congress. Although the Senate Armed Services report was thorough in its documentation of the pitfalls of the current system, its call for the abolition of the JCS and the subsequent creation of a new Joint Military Advisory Council, with greater independence from the respective services than exists in today's JCS, is too ambitious. In changing the Byzantine bureaucracy of the Pentagon, we ought to go one step at a time. A stronger JCS chairman comes first. Maybe now Congress can finally prove that the phrase "military reform" need not always be a contradiction in terms.

HAPPY BIRTHDAY, TAX REFORM

A tax-reform bill has emerged from the House Ways and Means Committee. It lacks the conceptual purity of the original Treasury proposal of a year ago. Nevertheless, it would produce a tax code both fairer and more efficient than the one we have now. Fairer, in fact, than Treasury I. If, that is, it can be passed into law with no further erosion.

The last weeks of negotiation saw some outrageous retreats from tax justice and common sense, best symbolized perhaps by the committee's decision to retain the tax break for vacation homes. What is left, in essence, is a bill that trades off some widely used deductions for lower rates, but does little to clean up the myriad absurd loopholes for various privileged people, industries, and activities.

This is an ironic result of the politics of tax reform. The narrower your special interest, the easier it is to organize your constituency and the less it costs for the politicians to give you what you want. Thus the two-earner deduction and the investment tax credit are gone, while special tax breaks for the gravestone industry have been preserved. But lower rates overall help to reduce both the unfairness and the economic distortions caused by these loopholes.

One thing this tax reform has not turned out to be is tax simplification. Not only have many complicated loopholes been maintained, but the process of compromise has made several features of the code more complex. Rather than eliminating the deduction for "business" entertainment, for example, as the Treasury originally proposed, the Ways and Means bill would limit this deduction to 80 percent. Big deal.

Having preserved too many breaks and loopholes, furthermore, the committee has turned around and beefed up the "alternative minimum tax" to make sure that corporations and the wealthy don't take too much advantage of these complications. Conceptually, an "alternative minimum tax" is a silly way to collect revenue. Why not just get it right the first time? The alternative tax also means that millions of people and businesses will have to figure their taxes twice, under two different sets of rules. Hardly a simplification. But better than letting them get away with murder, as many have been doing.

News reports have emphasized that the Ways and Means proposal represents an overall shift in the tax burden from individuals to corporations (to the tune of $126 billion in 1987). That is true. The point to keep in mind, though, is that recent decades have seen a major shift the other way: from corporations to individuals. This reform would merely put the balance back where it was in the late 1970s. Corporations would still be bearing a smaller share of the total tax burden than they did in the supply-siders' golden age of the mid-1960s.

It's also true, as you will be hearing again and again in the forthcoming debate, that corporations don't pay taxes; only people pay taxes, and the actual impact of the corporate income tax is unclear. However, the corporation happens to be the form in which most capital is held in this country. There is no reason, in either justice or efficiency, why the return to capital should avoid taxation while the return to labor bears a disproportional share of the burden.

THE OTHER major complaint you will be hearing from conservatives is that the Ways and Means proposal is "antifamily" because it reneges on President Reagan's promise to raise the personal exemption to $2,000. The proposal gives a $2,000 exemption to those who take the standard deduction, then subtracts $500 per exemption from the deductions of those who itemize.

This is characteristically complicated, but in result it's a pretty clever approach. The families who most need and deserve the larger exemption are the working poor. Their taxes have skyrocketed during the past decade as inflation has eroded the value of the personal exemption and standard deduction. The Reagan tax cuts have not touched these items, which greatly affect the taxes of low-income people. With the higher exemption, many of the poorest will be removed from the tax rolls completely, as they should be and once were. Meanwhile, we needn't fret about the better-off people who will only get an effective $1,500 exemption. They're getting a bigger tax-rate cut. Anyway, to a family in the 35 percent bracket ($43,000 to

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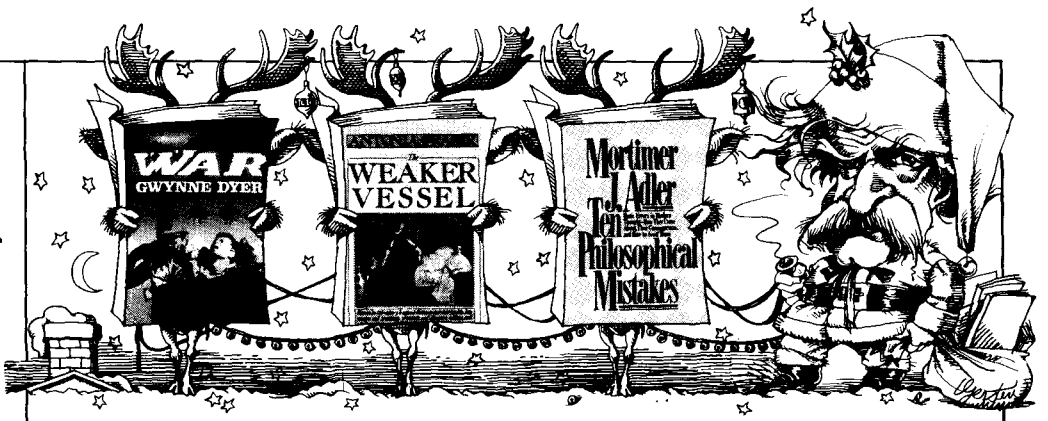

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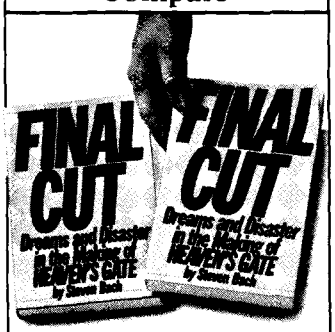

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$100,000 under the Ways and Means proposal), a $1,500 exemption is worth $525. That's still almost twice what even a $2,000 exemption is worth to someone in the lowest 15 percent bracket. It's solid supply-side practice to give affluent people their tax breaks in the form of lower marginal rates, instead of wasting the lost revenue on larger basic deductions.

One benefit of a year's worth of fooling around is that this reform now bears the hoofprints of both parties in roughly equal proportion. Both can support it without fear of handing the other a political victory. Yes, there are elements in it that everyone will find hard to swallow. But this tax reform remains an opportunity for the nation's politicians to prove to a disbelieving citizenry that they still can do something right.

NOTEBOOK

□ GRIEFBUSTERS, CONTINUED: Days after a volcano erupted in Armero, Colombia, killing 23,000 people, government ministers were arguing about whether it was even worth trying to rescue hundreds of survivors. According to the *New York Times*, volunteers spent 60 hours trying to pull one 13-year-old girl out of the mud, appealing to the government repeatedly for pumps. Two hours before she died, a broken one arrived from Bogotá. Several hours later, 18 pumps arrived at the wrong town. This bungled relief effort has suddenly made the Mexican earthquake rescue operation look deft. Natural disasters are inevitable, and so are panic and blunders. But as we suggested after the Mexican tragedy ("Griefbusters," October 21), an international disaster strike force could save a lot of lives and also help reduce the horrible feeling of impotence among the world's bystanders.

□ BUDGET NOTE:

Senate Clears Enriched Subsidy Package To End an Impasse Over Farm Spending

—*Wall Street Journal*, November 21

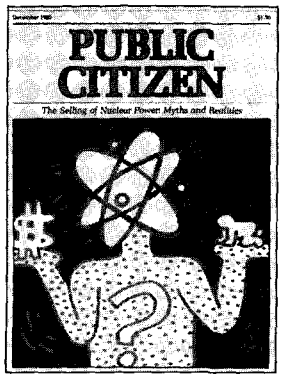
Senate Accepts Dole's Plan to Cut Farm Aid

—*New York Times*, same day

□ INSANITY SQUARED: The first stage of the Central Arizona Project, a $3.5 billion federally financed canal to tap the distant Colorado River, opened last month to exultation from every local pol from reactionary Senator Barry Goldwater to neoliberal Governor Bruce Babbitt. City water users will be expected to pay back their share over 50 years at a rate of 3.3 percent. Farmers will pay back their share interest-free. Compared to borrowing at nine percent—which is about what the federal government had to pay for the money it spent to build the project—that's like getting the water for one-fifth the true cost. As Iver Peterson points out in the *New York Times*, "Much of the heavily subsidized water will go to grow crops the Government is paying farmers not to grow."

□ COMPARABLE WORTH, CONTINUED: William Keyes, the 32-year-old black Republican who is getting $390,000 a year as a lobbyist for South Africa, says that of all the negative publicity he's been getting, he objects most to a small item in TNR. ("Comparable Worth," Notebook, October 21.) That item pointed out that South Africa pays him less than it pays its leading white lobbyist, John Sears. "They didn't mention the other lobbyists for South Africa who get less than I do," Keyes indignantly told Juan Williams of the *Washington Post*. Besides, he said, "my contract will reach the half-million mark" when he expands his operation to the West Coast. And, "There is only one other person I have to share my money with. . . . Sears has a whole firm he has to support."

□ GLOOMY ANNIVERSARY: December 13 is the fourth anniversary of General Jaruzelski's imposition of martial law on Poland in an attempt to crush Solidarity. Many in the West assume this attempt has succeeded. For a more optimistic view from inside Poland, we recommend the latest issue of *Poland Watch* (1775 T Street NW, Washington, D.C. 20009), which contains a heartening survey of underground activities by Solidarity and other groups. These include hundreds of books and periodicals, scholarly research, theatrical performances, even public opinion polls. The continuing struggle in Poland is a salutary lesson in the tenacity of honor and hope.



□ LOOK-ALIKE: On page 13, Evan Barr tells about the new owner of *Conservative Digest*, who has had the bright idea of modeling his magazine—rather too closely, perhaps—on a somewhat better-known conservative magazine, *Reader's Digest*. Just as we were completing this story, we received a newly redesigned issue of *Public Citizen*, a publication of Ralph Nader's organization of the same name. Somehow, it looks familiar.

□ ARTIST COMES IN FROM THE COLD: We announce with pleasure the long-overdue addition of Vint Lawrence as a contributing editor, the first artist to achieve this modest distinction. Vint's drawings have appeared in the pages of TNR almost every week for many years. He also has worked extensively for the *Washington Post*, the *Washington Monthly*, and *Foreign Policy*, among other publications, and exhibits regularly in Washington. Vint turned to drawing and painting full-time in 1970 after a career at the CIA, the contours of which are obscure but which did not involve torturing defectors with French food. (See "The Quiche of Death," Notebook, December 9.)

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What so loudly we wail.

STAR-SPANGLED EARACHE

NOT LONG AGO Representative Andrew Jacobs Jr. of Indiana filed a bill to replace "The Star-Spangled Banner" with "America the Beautiful" as our national anthem. Many people have long advocated just such a change, and for a number of reasons the bill deserves wide support.

"The Star-Spangled Banner" has been the official national anthem only since March 3, 1931. Most people assume that it has been the anthem virtually from time immemorial and that it is thus now sacrosanct. But clearly there is nothing wrong with supplanting something that has been in effect for only 50-odd years.

The music is by an Englishman, John Stafford Smith (1750-1836), who wrote it as a drinking song for a London social club, the Anacreontic Society. Is our nation so poverty-stricken that we must rule out homegrown music?

The tune is a constant stumbling block. Technically, it covers a span of a twelfth—that is, an octave plus a perfect fifth. Not only is it difficult for the general public to sing, but it has repeatedly caused trouble even for professional opera singers. Some people assert that this problem could be solved by selecting the right key for performance. But the point is that *all* 12 possible keys are poor. No matter what the key, the tune goes either too high or too low (and both, for some people). What's more, the tune is irregular in its phrasing, and does not always fit the text well. In "Whose broad stripes," for instance, assigning "broad" to a tiny sixteenth note is bad.

Finally, Francis Scott Key's poem (1814) is not suitable. It is of low quality as poetry, and its subject matter is too specific and too militaristic, dealing with a one-day incident in a war. Are glaring rockets and bursting bombs the essence of the nation? I wonder how many people have really read through all four stanzas and thought about the words. The third stanza is particularly offensive: "Their blood has wash'd out their foul footsteps' pollution./No refuge could save the hireling and slave/From the terror of flight or the gloom of the grave." When a bank celebrated the last Independence Day by buying a full page in the *New York Times* to print the tune and text of the anthem, not surprisingly the dreadful third stanza was entirely omitted. The poem has little to recommend it except for the single line, "The land of the free and the home of the brave."

Why choose "America the Beautiful" in its place?

Both the text and music are by citizens of the United States. And now that we have overcome the notion that this is mainly a man's world, it is additionally fitting that the poem was written by a woman, Katharine Lee Bates (1859-1929), and the music by a man, Samuel Augustus Ward (1848-1903).

The music (composed in 1882) is simple and dignified, and exhibits balanced phrasing. The tune has a range of only a ninth—that is, an octave plus one step—which means that almost anyone, trained or untrained, can sing it. For the musically sophisticated, there is also a neat touch in the four-voice harmonization that has been standard since its first publication in 1888: the soprano tune of the first line becomes the bass part of the third line.

The poem—originally written in 1893, and by a happy coincidence first printed in the Fourth of July issue of a periodical in 1895 (and twice somewhat revised by its author)—is in its final form an admirable text of broad scope. It is not bellicose or geographically restricted, and all four stanzas can be sung without embarrassment. It was inspired by a trip taken by an Easterner through the Midwest (with a visit to the Chicago World's Columbian Exposition: "alabaster cities gleam") and on across "the fruited plain" and "amber waves of grain" to the Rocky Mountains (Pikes Peak in Colorado: "purple mountain majesties").

It acknowledges both urban and rural life. It pays homage to our nation's past and to those who have sacrificed themselves for their country (without glorifying war), it points to present virtues, and it voices a goal that our nation should aspire to ("brotherhood / From sea to shining sea"). Even a celebrated foreign historian was impelled to comment: "Few patriotic songs breathe such broad, humane idealism as this."

This joining of words and music has stood the test of time. The piece is taught and learned in school throughout the country, and is known and loved by the populace at large, which can sing it effectively, confidently, and with pride.

THERE HAS long been widespread advocacy for making it our national anthem. When the selection of an anthem was before Congress in 1931, several organizations, acting independently, took a strong stand in favor of "America the Beautiful" and against "The Star-Spangled Banner," including the National Federation of Music Clubs, the National Hymn Society, the Music Supervisors National Conference, and education experts at Columbia Teachers College.

When the controversy resurfaced in Boston in 1977 (as it periodically does here and there), a poll of *Boston Globe* readers revealed that they favored "America the Beautiful" over "The Star-Spangled Banner" by a vote of 493 to 220. And it has already been adopted as the official song of the National Federation of Women's Clubs.

From time to time people have expressed a preference for other choices, but these can easily be shown unsuitable. "The Battle Hymn of the Republic" (1861), like "The Star-Spangled Banner," is too warlike, and its tune belongs to "John Brown's Body Lies A-Mould'ring in the Grave." The music of Irving Berlin's "God Bless America" (1918) is insufficiently dignified, and the text setting is faulty. "My Country 'Tis of Thee" uses the music of the British national anthem, and thus cannot be seriously considered. John Philip Sousa's "The Stars and Stripes Forever" (1897) is as great a march as anyone has ever composed, but it lacks a text and only its refrain would lend itself to singing. The idea of having a nationwide contest for a new anthem has been tried, without success. If tried

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again, there would surely be no agreement.

When one takes all factors into account, "America the Beautiful" is by far the outstanding candidate. It would indeed be fortunate if the entire country could sing "America the Beautiful" as the official national anthem when it celebrates the 200th anniversary of the Constitution on September 17, 1987. We have less than two years to accomplish this worthy task.

CALDWELL TITCOMB

Caldwell Titcomb is a professor of music at Brandeis University.

POSTCARD MOSCOW

LAST STOP

EVEN the unlikely questions of Jesse Jackson failed to disarm Mikhail Gorbachev in Geneva. When pressed on the issue of Russian Jewry, he said evenly, "The problem—the so-called problem—in the Soviet Union does not exist." Largely standard rhetoric. But in a sense Gorbachev is right.

Since the final days of Brezhnev, the Soviet government has numbed most of the Jewish population. Last year only 896 Jews were allowed to leave, the lowest number since 1970; and according to the historian Martin Gilbert, six refuseniks who demanded exit visas were sent to prison or labor camps. The sit-ins, hunger strikes, symposia, and press conferences of the mid-seventies are gone. Once it seemed that the Soviets would rather be rid of a rebellious population than absorb its protests. Now the government appears prepared to muzzle all protest and ignore the quieter hopes of thousands more, non-Jews and Jews alike.

One of the few things left to refuseniks these days are meetings with Western tourists. Before leaving for the Soviet Union, one gathers names and phone numbers from rabbis, human rights groups, previous visitors; and encodes the list so as not to endanger any dissidents if customs officials seize it at the border. Some even try to smuggle in prayer books, yarmulkes, or other "rear-aspect" paraphernalia, as Lenin called them. A typical day's itinerary in Leningrad can look something like this: (1) morning at Hermitage; (2) afternoon at Kazan Cathedral; (3) evening meeting with refuseniks. The moment of contact—a cryptic phone call in the shadow of the Winter Palace—is charged with a cloak-and-dagger frisson:

"Da?"

"Hello. This is a friend from America."

"Yes, welcome."

"Is it possible to visit you?"

"Of course. Take the yellow subway line south to the end. It takes a half hour."

Refuseniks rarely need to ask, "What do you look like?" They have spent half a lifetime on subway platforms looking for Nikes and Brooks Brothers blazers. There is a kind of "professional" class of refuseniks, especially in Moscow and Leningrad. They usually speak fluent English, and live in apartments crammed with the simulacra of intellectual life on Riverside Drive: stacks of papers in the cupboard, mugs blooming with pencils, battered paperback copies of Bellow, Roth, Kundera, and almost always, Solzhenitsyn.

If they are not out of work, they are often sentenced to lower-status jobs—senior professors forced to teach dim students in night schools, surgeons made to work long shifts in ill-equipped emergency rooms. They almost always live at the end of the subway lines, not because they are forced to the outskirts for political reasons, but because, as one refusenik explained, "Jews were the first people to go for Khrushchev's idea of buying apartments. And the first co-ops were at the edges of Moscow." They cannot spend much time together, but when they do it's usually outside the city synagogue on Saturday evenings, where they talk and linger long after the small core of old, religious men has gone home from services.

TRAVELING as a tourist, spending almost all of my time wandering through the streets, museums, and cathedrals of a half-dozen cities, I arrived in Moscow with my own list. After the customary phone call and subway platform rendezvous, I arrived one autumn evening at the apartment of Arkady Mai and Helen Seidel, one of the city's better-known refusenik couples. Now retired, they spend their lives reading, writing, and entertaining visitors from the West.

"We had some of your congressmen here recently," Helen said. "Some of them seemed to know what they were talking about. Most, not. Chaim Potok was here last week. We liked him a lot. And Angela Carter was here. She gave me her novels." Helen showed me the extent of her years of hospitality, a shoe box stuffed with hundreds of calling cards from well-known journalists, novelists, academics, and politicians. "Theodore Sorensen was here a little while ago," she said. "Not a terribly impressive man. Is he important in Washington?"

Both Helen and Arkady were clearly tired of playing professional hostage and host. "For five years nothing but meetings," she said. "I'm glad to see you here, but I'd rather see you in Jerusalem. In New York, at least." Arkady, a retired engineer and a war veteran, said that the visits from the United States help keep both sides informed and aware, but admitted that they take a psychic toll. The movement is without leaders, and, with the government's cracking down on meetings and protest, without gestures.

As part of the ritual, I gave Arkady and Helen what few tokens I had after a month in Russia: a carton of cigarettes and a copy of Elizabeth Hardwick's *Sleepless Nights*. Helen

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was more aware of current literary issues in America than the letters editor at the *New York Review of Books*. She asked when Harold Brodkey's "big novel" was coming out.

Their gift to me was an ironic one, a copy of the anti-Semitic screed *Zionism: Enemy of Peace and Social Progress*, edited, alas, by one L. E. Bernstein. The "atheism" and "politics" sections of the bookstores are filled with such stuff. General David Dragunsky, a Jew and a war hero, presides over the notorious Anti-Zionist Committee of the Soviet Public, which put together *The White Book*, a miserable picture of the life of émigrés in Israel. It claims Soviet Jews need "no outside defenders" because they are provided "the rights of all Soviet citizens."

Helen seemed worn out after another night of serving up a plate of chopped egg and instruction in the politics of frustration. She showed me a gift that one of her recent visitors had given her. "Do you know this book?" she asked. She showed me a copy of *When Bad Things Happen to Good People*. "I'm telling you, we are like corpses here."

PERHAPS because Lenin's historiography permitted a critique of the pogroms, or because his anti-Semitism was less virulent than his successor's, he somehow earned a reputation as a liberator of Jews. But his preferred Jew—his only Jew—was one who exchanged Yiddish for Russian, the Torah for pulp, God for the State. "The best Jews," he wrote in 1913, "have never clamored against assimilation. It is only those who contemplate the 'rear aspect' of Jewry with reverential awe that clamor against assimilation."

At the Moscow synagogue on Arkhipova Street, Lenin's creed seems to have won out. Shabbat services are dominated by Yiddish-speaking old men. Only the rabbi is under 60 years old, and he is a puppet, not much trusted by his wizened congregation. Denied the ability to learn Hebrew, to read and learn the history and practice of Judaism, the young must view the orthodox services in Moscow and in the synagogues of Leningrad, Kiev, or Riga as the supernatural rites of a dying generation.

But on the day before Yom Kippur I visited the Leningrad Synagogue, and found there a young bearded man named Jacob who seemed to stand in the way of assimilation. I asked him when Kol Nidre services would start. He answered and welcomed me. Then in a stern voice that bore the weight of rabbinic authority, he asked if I wouldn't like to see the *mikva*, the ritual baths in the cellar of the older wing of the synagogue. He led me down a dark stairway to a filthy tub filled with rank, freezing water. I took the dive and shivered through nine ritual submersions. We emerged covered with a gritty film. "Now," he said, "you are clean."

When we were dried and dressed he took me home to the tiny two-room flat he shared with his wife, Diana, and their three children. Jacob lost his job as a computer operator within weeks after filing for an exit visa. But he is not a professional refusenik. He is typical of thousands who never make their way onto the visitor's list: broken English, no job, no money, a couple of good books, and an idea, half-remembered, half-imagined, of Judaism and Israel. Without visitors and unable to listen to Western broadcasts, Jacob derived his knowledge of the West from rumor and supposition. He knew only that he could practice his religion there.

After a dinner of chicken, cabbage, and potatoes, Jacob said he would not return to the center of town for the Kol Nidre service. He would have no part of a state-sponsored service. He would rather worship in secret at an apartment with some young friends. He said it would be better for both of us if I went back to town for the synagogue service.

At the synagogue, the pews were jammed with Lenin's vision of the "rear-aspect" of Soviet Jewry, a withered world. Arkady Mai and Helen Seidel were probably entertaining another visitor from America and patiently answering his unanswerable questions. But one image sustains the hope that in fact Mikhail Gorbachev has a bigger Jewish problem than he thinks: Jacob and his defiant friends praying in an apartment somewhere at the end of the line.

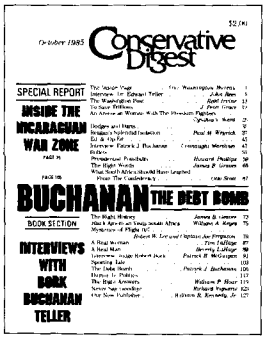
DAVID REMNICK

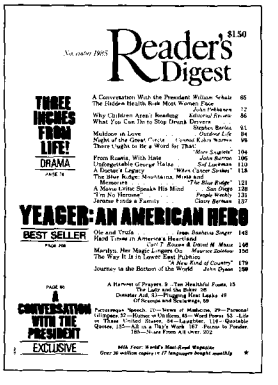
David Remnick is a Washington writer.

THE PRESS

READER'S INDIGESTION

CONSERVATISM in its most effective form combines the time-tested tenets of the past with an ability to adapt for conditions of the present. Take, for instance, the newly renovated *Conservative Digest*, a journal of right-wing political wisdom founded by Richard Viguerie in 1975. Viguerie's magazine offered articles across the spectrum of conservative thought, from goofy libertarian to strident anticommunist. But it failed to turn a profit. Last September Viguerie sold the *Digest* to William R. Kennedy, a Colorado entrepreneur who made his fortune in precious metals. Kennedy vowed to update *Conservative Digest* enough to make it "the most widely read magazine of its kind," but not so much as to alienate the traditionally minded.





For his new format, Kennedy

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decided to steal from an old favorite: *Reader's Digest*, the largest-circulation magazine in America. In the premier issue of October 1985, Kennedy lifted just about anything he could from the grocery store best seller. From the *Reader's Digest* classic cover table of contents right on down to the typeface of homespun filler items, Kennedy took it all. The result is a compact, pocketbook-size, easy-to-read monthly suitable for offices of family dentists and right-wing congressmen alike.

KENNEDY'S debut issue features some standard fare that might well be found in any conservative journal. It contains interviews with old reliables like hatchet man Patrick J. Buchanan, the White House special assistant for communications, and hydrogen bomb pioneer Edward Teller. On the lighter side, the new *Digest* explains the "Mysteries of Flight 007," in which it is argued that the Soviets captured and still hold more than 250 survivors from the wreckage of the downed Korean Airlines jet. Plausibility not being the primary editorial criterion, Howard Phillips proposes in another article that New York businessman and corporate welfare recipient J. Peter Grace is the ideal conservative presidential candidate for 1988.

But the new *Digest* also borrows—in the broad sense—from its role model. It too offers diverting departments designed to relieve the glazed eye. *Reader's Digest* has "Laughter, the Best Medicine," which serves up short jokes; *Conservative Digest* has "Dodges and Darts." The elder *Digest* has "Quotable Quotes"; in the newcomer, "Bullets" zing by with famous quotable one-liners. The original *Digest* offers "Humor in Uniform"; son of *Digest* presents "Humor in Politics," featuring historical side-splitters from Disraeli to Goldwater. The original features "Word Power"; the copy features "The Right Word," a vocabulary quiz for the politically playful. Example: *avant-garde*. A: artistically innovative. B: racing car fender. C: jailer. D: suit of armor.

"I'm tired of seeing America lose," writes the somewhat less than avant-garde Kennedy in explaining his decision to purchase the magazine from Viguerie. "When we began looking at a two-trillion-dollar debt that is wrecking our economy, when the Soviet KGB began using our national Capitol as if it were their local headquarters, and Communists got by with murdering my friend Congressman Larry McDonald, I decided this fight to preserve America had become *personal*." Kennedy says he's now "willing to put my money where my mouth is" in order to build a large and diverse readership.

Part of that process involves what editor-in-chief Scott Stanley calls the "Colorado outlook." Kennedy and his staff decided that their publication ought to pay more attention to the moods and traditions of Middle America, and not just the trends in the major Eastern metropolitan centers, if it really wanted to appeal to a broad-based conservative readership. Thus while *Conservative Digest* plans to maintain a bureau in Washington, D.C., its own capital will be in Fort Collins, Colorado.

The *Digest* format reflects a more fundamental component of Kennedy's campaign to attract new readers. Kennedy thinks he's found the secret to making political journalism less intimidating. After all, what could be more down-to-earth than a magazine that looks like *Reader's Digest*? Stanley calls *Reader's Digest* "the model A Ford" of the field—a successful industry prototype worthy of imitation—and claims that his monthly is simply following in a long tradition of digest-style magazines including such favorites as *Catholic Digest* and *Children's Digest*.

The folks at *Reader's Digest* disagree. They're calling the conservative monthly the most blatant rip-off they've ever seen, and have written Kennedy an angry letter of protest to that effect. A lawyer for *Reader's Digest* indicated that litigation may soon follow if *Conservative Digest* does not cease and desist in its current form of publication. Commercial theft, however, is a tough charge to substantiate. So for the time being, William Kennedy has the chance to prove once and for all that the average reader really does judge a book by its cover.

EVAN T. BARR

How the networks stole the party.

BOSS TUBE

IT WAS the night of the great American photo op. At 9 p.m. Eastern Standard Time, 100 million viewers were arrested by the sight of the president, returning from the summit, in a "fly-by" of the Washington Monument and the Lincoln and Jefferson memorials—an electronic Mount Rushmore. At 9:06 Marine One landed on the Capitol's East Plaza, four minutes behind schedule. By 9:14 the advance man's plan had gone awry. Somewhere in the Capitol, the key performer had missed his cue. The call from the NBC bureau chief to the Capitol was insistent: "All three of our anchors are stretching. Let's get him out there!"

The political clout of TV news emerged well before last week's battle of the Burberrys in Geneva. The real "network takeover" occurred a generation ago. The scene: the 1968 Democratic Convention. At the podium, Senator Abe Ribicoff was attacking "Gestapo tactics on the streets of Chicago." On the floor, Mayor Richard Daley, the country's last great political boss, gave his famous cut-em-off cue, running his thumb hard across his neck. But the cameras kept rolling. It was the picture that commanded us in our living rooms, not the mayor's order. It was not some delegate on the floor calling the shots, but the network director high above in the control booth. And disas-

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trous as that riot-torn convention was for Democratic Party politics, it made for electrifying television. The last futile effort by Daley marked a historic transition: the electronic networks had usurped the role of the political networks. Our system hasn't been the same since.

At a dizzying pace, the TV news networks have absorbed many of the democratic functions traditionally held by political parties: the elevation of key public issues, the promotion of new leaders, the division of executive and legislative authority, and the constitution of political opposition. It was once the parties that ballyhooed the causes, touted the candidates, and aroused the nation. Today network executives make these decisions, based not on ideology but on a rational mix of "news judgment" and commercial savvy. For better or worse, the nation's dogged two-party system has been challenged by a three-network system that runs at a much higher voltage and delivers at a speed approaching light itself. Even in the reign of the Great Communicator, there is one force that holds supreme power: the networks that carry him.

Issues. At its most compelling, the evening news can capture a subject with an intensity that is irresistible. The Geneva spectacular was only the most recent example of the networks' power to hype a story. We saw last year how a single piece can change the fate of an entire people. Imagine how much worse the horror would be on those dusty mounds in Ethiopia if NBC had not broadcast those first tapes borrowed from the BBC. The scenes of white policemen clubbing blacks, and that of uniformed riflemen arising from ambush to gun down rioting students, made constructive engagement indefensible. No American president, regardless of his views toward the government in Addis Ababa or the leaders of the African National Congress, could fail to respond to this kind of televised punishment.

This multi-megaton hype machine would have been scientific fantasy to the ol' time street political boss. Today a big-city ward leader is lucky to get his committeemen or precinct captains to attend a once-a-month meeting. Meanwhile, the networks own every living room in the ward seven days a week. In 1978 Walter Cronkite used this entrée to play video diplomat, asking Anwar Sadat if he was ready to meet Begin in Jerusalem. During the recent TWA hostage crisis, David Hartman woke us one morning with an exclusive one-on-one with Nabih Berri: "Anything for President Reagan this morning?" When we returned from work at seven, Peter Jennings was there with an update on the politics of hostage-taking. At nine, we were bombarded with another network "leaflet drop" in the form of a prime-time bulletin. Then Ted Koppel put it all together for us at bedtime. We saw a parade of hostages, hostage families, hostage friends, and "experts." There has been no nonproliferation pact on such stories. Any zealot who has learned to nourish the networks' appetite for these events has a power the constituents of Boss Tweed would have envied.

Candidates. Some people say that Ronald Reagan created the part of TV-age politician; actually he only won the part. It was created by the medium itself. In the pre-electronic age, candidates solicited support in retail fashion, one by one, neighborhood by neighborhood, and group by group. Along the way, loyalties would form. Personal relationships would evolve into organizations. The TV-age pol does it wholesale. He puts together the combination of look, style, and language that projects the right "profile." Rather than waste time cultivating and extending strong personal ties, he focuses on projecting an appealing TV image. The tube, not the party, is his true mother. If it takes a staged "photo op," let's get it organized. If it takes trimming the comment to a 15-second sound "bite," let's work at it. The goal is to get "good" at TV, because if you are not, you don't get picked by the producers who assemble the morning and Sunday shows that count.

This includes the best of them. In 1984 the figure of

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Senator Gary Hart leapt at us as if from the pages of an L. L. Bean catalog. Wearing a plaid shirt, jeans, and boots, he participated in a photo op by throwing an ax at a wooden target. The first time he missed. The network camera crews, looking for a better picture, went with his second attempt, which stuck. So did the image. Three days later he won New Hampshire. In one week his outdoorsy profile won him more evening news coverage than a year of pushing military reform and other new ideas. The Mondale strategy had been to limit the time between primaries, and thereby diminish the potential for such brushfire candidacies' catching on. With their saturation coverage of Hart, the networks single-handedly thwarted Mondale's game plan.

What the tube giveth, the tube taketh away. On Super Tuesday, at 10 EST, NBC led a special news program with pictures—not from one of the two big primary states, where the Coloradan was rolling up huge wins, but from a downtown ballroom in Washington, D.C., where Mondale's strategists had cleverly stuffed as many paid staff and inside-the-Beltway associates as they could find. We were told it was a Mondale "victory party." The picture didn't tell us that Hart won seven of nine contests that day. Nobody likes an early knockout, least of all the audience.

Authority. Two hundred years ago, a convention of politicians meeting in Philadelphia set a delicate balance between the legislative and executive branches of the federal government. The television networks have placed their giant thumb on these scales. White House correspondents get on the air ten times more often than congressional correspondents. A stand-up near the North Portico, not a debate on the floor of Congress, is the prism through which the American people are shown their government each evening. Using the evening news records kept at Vanderbilt University, political consultant Greg Schneiders recently reported that the amount of coverage given Congress in the five years ending 1985 is just half what it was in the five years earlier.

In a break from this pattern, Peter Jennings anchored the seven o'clock news on November 21 from Capitol Hill. The president was coming. The seat of the federal government was assigned the same backdrop role as street-traffic scenes in Geneva. Later "Nightline" used the Senate Caucus Room for the same purpose, recruiting members of Congress as the studio audience.

THERE IS an obvious reason for all this. News execs want a sharp focus to a story. The president can provide it; Ronald Reagan, particularly when arriving by helicopter, can fully exploit it. Congressional debate is not "visual" enough. It deals with ideas; worse yet, with arcane topics that necessarily involve many points of view. Should tax revision emphasize equity or the maintenance of economic incentives or deficit reduction? Not exactly the *Achille Lauro*, is it? Unfortunately, the main business of Congress, the main focus of republican government, is to argue *why* and *if* and *how*, and such topics simply don't play with "New York." Anyway, news deals with facts. Debate sounds too much like commentary; they've got their own people to do that.

This executive-branch favoritism does not end at half past seven. It is now common for networks to give the president free airtime whenever he shows an interest in getting it. In the weeks before the 1982 midterm elections, White House aides asked to buy network time for the evening of October 13 to allow the president to deliver a political address on behalf of Republican congressional candidates. When the networks failed to provide the time (they make more money from commercials than from political programming), it was announced that the president would "address the nation" that night. Only ABC refused to broadcast the message. At 7:30 p.m. the president delivered a bluntly political speech, which ended with the tag line "Stay the Course"—the GOP '82 campaign slogan. Polls showed a sizable increase in party support in the days following the Reagan broadcast. The 25-minute broadcast amounted to a free-of-charge network contribution to the presidential slate.

The opposition. This is the ultimate electronic coup. Having muted coverage of congressional floor debate—"too many talking heads" is the verdict from New York—the networks spot a growing viewer taste for something called "opinion." To grab this audience, they seem hell-bent on simulating the give-and-take congressional deliberative process in their own studios. "Nightline" features main events like Falwell v. Jackson and Botha v. Tutu. "Commentary" segments break out like car chase scenes. In the evening, George Will lends a Tory dignity to "World News Tonight," lambasting the New World's "Little Englanders." Bill Moyers pricks at the nation's conscience like an anchor desk version of the senior Robert La Follette. John Chancellor steers the high middle course of the old *New York Herald Tribune*. To add grit to these polished tones, the nets recruit rougher dialects. Robert Novak appears on the staid "Meet the Press" to show the mean streak in Reaganite populism. David Broder and Jack Germond appear on "Today" as aficionados of the ancient sport of "partisanship." Sam Donaldson discards his reporter's mike to challenge the defenders of power on "This Week with David Brinkley." But the true, state-of-the-art voice of network "leadership"—that's what the ads call it—speaks from the command deck itself. Just watch who CBS puts forth to rebut the president's next controversial prime-time broadcast. If the pattern holds, it will not be Congress or the Democrats who respond, but its very own anchorman, Dan Rather.

As the picture dissolves from president to anchor, the symbiosis of electrons and authority is complete. The executive speaks to the network. The network speaks back.

President: Are you running for something?

Anchor: No, Mr. President, are you?

CHRISTOPHER J. MATTHEWS

Christopher J. Matthews wrote "The Teflon Comrade" for TNR (October 28).

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Kicking out the generals is only the first chapter.

FROM DICTATORSHIP TO DEMOCRACY

BY JOSÉ ZALAQUETT

AVERAGE SIZE, middle-aged, middle-of-the-road politically, President Raul Alfonsín is an unassuming man who still looks like the small-town lawyer he once was. In other times, his sheer normalcy would have made him an improbable leader for a nation with a history of erratic politics. But Alfonsín is also a thoroughly honest man, known to have withstood the test of all seasons, and before the 1983 elections an aimless, despondent Argentina was craving governability and decency. National pride had been wounded after the humiliating defeat in the Falklands war. The country had plunged into a recession, with industry in disarray, three-digit inflation, and a crippling $45 billion debt. The horror of years of state terrorism, hitherto ignored (semiconsciously maybe, but in any case conveniently) by many, and perhaps most, Argentinians, was publicly debated for the first time. Demoralized and facing growing popular anger, the military resigned itself to relinquishing power. Alfonsín, the candidate of the Radical Civic Union Party, was elected by a wide margin.

Internationally, Alfonsín's election was hailed as a major milestone in South America's journey toward democracy. It marked the end of the first of the four modern, like-minded military dictatorships that had achieved worldwide notoriety for their systematic violations of human rights. Since then Brazil and Uruguay have effectively restored civilian rule. And in Chile popular protests demanding the end of the Pinochet regime have increased sharply since 1983. But Argentina remains the crucible of democracy in the region. For this reason, Alfonsín's progress is followed with both hopes and anxiety. The gains are still fragile, the stakes extraordinarily high.

Upon taking office, Alfonsín was expected to mete out justice, unify the country, and achieve economic recovery all at once. Yet he knew his government faced daunting constraints that set the outer limits of political feasibility. The strong labor movement remained under the control of the Peronists (traditionally Argentina's strongest political movement); the business community and the Church were no natural allies of the Radicals; the International Monetary Fund prescribed economic policies that left the government little room for maneuver; the military, defeated at sea by the British, remained intact on the mainland, a cohesive institution with a monopoly on force. How much economic austerity could be imposed without seriously antagonizing the unions, and how far could investigation and punishment of past human rights abuses reach before military unrest turned to rebellion?

Alfonsín also knew that the legitimacy of his mandate rested on his ability to restore the rule of law to a country torn by a history of chaos and repression. The massive violations committed during the "dirty war" years of 1976 to 1982, and particularly the question of the fate of thousands of "disappeared" persons, had to be confronted. "The past looms somberly over our future," Alfonsín declared on December 13, 1983, a few days after his inauguration. "Extremely atrocious violations of rights which form the essence of human dignity were committed by terrorism and the repression that followed. They cannot go unpunished, for impunity would constitute a betrayal of basic ethical principles and would put at risk the prevention of such violations in the future."

He then sent to Congress a number of human rights-related bills and created a National Commission on Disappearance of Persons. He ordered the prosecution of the nine military leaders, including three former heads of state, who presided over the "dirty war," and of a few other officers known to have led the repression. He also ordered the prosecution of some leaders of the extreme left still at large. The commission published an impressive report in November 1984. The trial of the generals began in earnest last April and the prosecution and defense have now rested their cases. The court's verdict and sentence are expected by the end of the year.

Nevertheless, from the start the military closed ranks and refused to cooperate with the National Commission. Thus important information about the fate of individual victims of the "dirty war" remains undisclosed, and the great majority of officers responsible have not been identified. And whatever the verdict on the generals, the government does not seem to have a workable strategy for how to proceed next.

The difficulties of satisfactorily closing this chapter in Argentine history are rooted in the history of political and ideological struggles in Argentina—as well as in Brazil, Chile, and Uruguay—over the last 20 years. This history explains the ideological rationalization of the military repression and how the armed forces view their present and

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future role in the still convalescing democracies of the Southern Cone.

ARGENTINA often has been described as a wasted promise. A southern gateway to the new world, with a homogeneous, literate population, an abundance of fertile lands, and a vigorous cultural life, Argentina has a standard of living that has always been well ahead of that of the rest of Latin America and once compared favorably to many nations that now rank among industrial democracies. Yet since the early 1950s, Argentina has been adrift, lurching between Peronism and military dictatorship, with brief, inconsequential interregnums of other civilian governments.

Why would a nation so blessed devote its best energies to such internecine struggles? Commonsense explanations abound, for the most part variations on the theme that only difficult trials teach a nation not to take its good fortune for granted. For a generation of committed urban youth coming to political life in Argentina (and elsewhere in South America) in the late 1960s and early 1970s, such talk was seen as banal. These explanations were to truly scientific analysis what mere reformism is to revolution. Instead, Marxist analysis, or its local version, explained Latin America's problems through an engaging and comprehensive vision. Leninist principles of organization, or the tactics of guerrilla warfare, embodied a promise of effective action now. The generation of the 1960s had seen bourgeois democracy—and it did not work. At best, it provided a facade for the control of wealth and power by a few at the expense of the masses. At worst, it imposed open dictatorship.

Of course, Marxism and other left-wing ideologies were hardly new to Latin America's politics. Communist and socialist parties had organized openly in many countries of the region since the 1920s and even earlier, though they did not reach substantial electoral strength, except in Chile. But it was not until Fidel Castro took power in Cuba in 1959 that a Marxist political model and ideology were effectively introduced in the region. Cuba's promise catalyzed dreams of political change throughout the Americas to an extent not seen since the struggles of independence in the early 19th century.

From Jefferson and Bolívar until Castro, democracy had been the uncontested legitimate ideology of the Americas. Of course, with a few modest exceptions, social and economic realities stood in stark contrast to the lofty ideals of freedom and equality written in the new nations' constitutions. But though the dictatorships that plagued so many countries in the Americas blatantly contradicted the democratic idea, they could not undermine its legitimacy—and rarely attempted to. Rather, by adopting the trappings of democracy—subservient parliaments, periodic electoral farces—they implicitly recognized its supremacy.

The contagious example of Castro's Cuba came at a propitious time for the acceptance of revolutionary ideas in the Americas. Instant communications made both opportunities and inequalities more patent. Migration from the countryside to the cities exacerbated social and political tensions. The political debate in most of the region was about the very foundations of the economic and political order, matters that for the most part have long been settled in Western industrial democracies. It was the 1960s. The radical impulse touched urban youths in Buenos Aires, Santiago, and Montevideo in much the same manner as in Paris or Berkeley. Major change was essential, and not only in your lifetime but before you turned 30. The moon could be reached with the hand. In affluent, more settled countries, such as the United States or France, these notions at most cloud or charm a generations' itinerary for a few years, leaving a tangible residue of changed styles and mores, and the memory of a few crazy political actions. In societies where a national consensus on the basics is still in the making, the same idealistic impulse, blended with ideology and channeled into militant organizations, can move a young urban class to deal with politics in a life-or-death manner.

Nowhere was this process more acute than in the Southern Cone. The most militant among the young urban class organized groups in the margins of the political spectrum advocating armed struggle and guerrilla warfare. The Tupamaros in Uruguay, the People's Revolutionary Army in Argentina, and the Movement of the Revolutionary Left in Chile were the main and most publicized ones. Their gravitational pull compelled many young cadres in the leftist and populist parties (like the Montoneros faction within the Peronist movement or some groups within Salvador Allende's coalition) that participated in the electoral process gradually to contemplate strategies of violence as well.

ON THE RIGHT, new strategies of political violence were also developing. Brazil was the model. In 1964 the military overthrew the populist government of Joao Goulart, to establish a 21-year military regime. Relatively benevolent in its first years of rule, it turned to systematic repression starting in 1968, following a wave of political unrest and insurgency. The Brazilian regime signaled the emergence of a new type of military dictatorship in the Americas. It differed markedly from the Latin American archetype of a caudillo supported by praetorian guards, such as Trujillo, the Somozas, and the Duvaliers.

The military in Brazil took over power as an institution setting for itself long-term tasks: defining major national goals and leading a drive toward economic development, while fighting leftist insurgency and aligning the country with the West. In the process, it developed a sweeping "doctrine of national security," which gave ideological justification for its own role in society. This doctrine was soon to be adopted by the military in Argentina, Chile, and Uruguay.

In its essentials, the national security doctrine regards domestic political struggles as an expression of a basic East-West conflict and sees Marxist penetration and insurgency as an all-pervading presence of a new type of enemy fighting a new type of war. Civilians are also warriors, ideas a different form of weapon. Democracy and politics-

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as-usual cannot lead the fight against Marxism (indeed, they often pave its way). Neither can they coordinate all national resources effectively so as to achieve modernization and economic development, pillars of a modern notion of national security. It is the professionals of national security—the military—who can ensure that both objectives are achieved, and this cannot only be done by controlling the power of the state.

Since the war on Marxism is an insidious one, unorthodox methods are called for, including torture and extermination of irredeemable political activists. This is not stated directly, for it is too strong even for many in the military. However, most official documents and speeches are permeated with a belief in the inevitability of counterinsurgency tactics that do not take into consideration notions such as "rights" of the insurgent or suspected insurgent. Soldiers trained to fight against insurgency are taught the enemy is evil beyond hope. Communism is to be contained by decisively waging unconventional war and, at the same time, through economic policies (usually of the laissez-faire variety) that are expected to benefit most of the population, thus curing or immunizing them from Marxism.

The adoption of the national security doctrine introduced a second ideological and political alternative to democracy in the region. Under its tenets, a variation of democracy could eventually be readopted: a democracy "protected" by the vigilance of the armed forces, the custodians of long-term national objectives and the watchdogs of national security. The national security doctrine's powerful appeal sprang not only from its explanation, in military terms, of political events that deeply disturbed the armed forces. It also gave the military, an institution in search of a sense of mission after a century of peace in the Southern Cone, a central role in a historical process.

IN 1973 the civilian president of Uruguay, Juan Maria Bordaberry, ceded control of the government to the military. In Chile the military overthrew the government of Salvador Allende. In Argentina the military took power in March 1976.

Then it was terror. Terror of a kind worse than the one claimed to be fought or feared. Certainly, violence breeds violence. The contempt for life and the sheer inhumanity of all terrorism is alike. But, as Hobbes maintained, a crime relying on strength or influence to avoid the punishment of the law is greater than a crime committed with the hope of remaining undiscovered. By this token, the greatest crime is the one perpetrated by the authority against the individual, a crime that counts on the ultimate strength—the power of the state—to secure impunity. For people are never more helpless than when the force meant to protect their rights is used to violate them. It is the starkest defenselessness. The terror of the shepherd turned wolf. State terrorism.

With the benefit of hindsight, it is hard to understand how much the unfolding of state terrorism in the Southern Cone came as a surprise, not only to shocked world opinion but within the countries affected. Given the long-term objectives pursued by the military establishments, and the nature of the war and the enemy, as seen through their doctrinaire vision, the logic for the repressive policies is almost inescapable. Since democracy was suspect and ineffectual, parliaments were dissolved or, as in Brazil, carefully regulated; political parties were suspended, outlawed, or restricted; political debate was altogether silenced.

An effective war against an omnipresent subversive influence called for a number of major measures. First, a legal framework of emergency rule, the suspension or restriction of habeas corpus and other legal remedies, special powers of detention to the authorities, and an enhanced role to military courts (the judiciary did not need to be purged if judges cooperated, as most did). Then the organization of special security bodies (often established around existing military or police security units). These bodies, charged with the dirtiest and most secretive aspects of repression, were to be effectively shielded from public scrutiny, judicial inquiry, or even pressure from military authorities other than those directly in the repressive policies' line of command. Finally, fighting an organized underground opposition with all possible means and routing out legal or semi-legal opponents from every position of influence: civil service, union leadership, university faculty. A reformed mass media and education as well as economic growth would secure future public order and popular acceptance of the new policies, thus permitting gradual liberalization. Within this framework, repressive policies in the Southern Cone countries varied in method and scope. In Chile and Uruguay the repression was felt throughout society. In Argentina, state terrorism, though more circumscribed, was unparalleled in ferocity.

It was in the 1970s that the terms "disappearances" and "disappeared prisoner" (from the Spanish *desaparecido*) entered the political vocabulary. They began to be used to refer to a repressive practice developed systematically in Chile since late 1973 and, on a much greater scale, in Argentina since 1976. "Disappearances" were also being reported in countries as disparate as Afghanistan, the Philippines, Guinea, and Guatemala. The term emphasizes the uncertainties of the victim's relatives, friends, lawyers, painfully trying to pierce through a curtain of secrecy. The situation resembles both prolonged incommunicado detention and secret killings by the police or death squads. But the distinct trait of "disappearances" is the government's total refusal to acknowledge responsibility, even of the initial detention. From the authorities' viewpoint there is no "disappearance." They know well the victim's fate, from the abduction and questioning to the killing and disposal of the body.

The logic of "disappearance" can be traced to Hitler's Night and Fog Decree (*Nacht und Nebel Erlass*) for Nazi-occupied territories in the West. To avoid creating martyrs, Hitler did not want to impose the death penalty for acts of resistance. Instead, he ordered the transfer of those suspected of "endangering German security" to Germany under "cover of darkness." Field Marshal Wilhelm Keitel

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issued a directive in February 1942 explaining these measures would have "a deterrent effect since (a) the prisoners will vanish without leaving a trace, (b) no information may be given as to their whereabouts or their fate."

Human rights activists in Argentina have explained why the military adopted a policy of "disappearances": they believed subversives must be eliminated once and for all (in the past the Argentine military had seen amnestied guerrillas resume armed struggle). The military was also aware of the international public opinion outcry and condemnation following the open, crude repressions of the early days of the Pinochet regime. "Disappearances" diffused responsibility. Finally, there was a particular intimidation effect: many relatives of the victims would hesitate to raise too much publicity for fear of jeopardizing the chances of obtaining clemency for their loved ones. "Disappearances" became a centerpiece of the military regime's "dirty war" strategy.

MOST "disappearances" occurred between 1976 and 1978, the first three years of military rule. Efforts to document "disappearances" at that time rested largely on relatives of the victims, such as Mothers of the Plaza del Mayo and small human rights groups. The National Commission on the Disappearance of Persons used the information gathered by these groups to put together a single authoritative version of the extent of the crime of "disappearances" in Argentina.

The 13-member commission, assisted by a staff of about 60, worked for nine months to produce its 500-page report. The pattern of "disappearances" is scrupulously described, from the abduction to the custody and torture to the killings and disposal of the bodies. The report portrays a repressive apparatus that relied on all-powerful task-force groups that carried out the security operations. Local police precincts allowed these task forces absolute freedom to search and arrest. The victims were then taken to one of hundreds of secret places of detention.

The typical victim was young: 75 percent of all "disappeared" were 30 years old or younger at the time of detention. Thirty percent were women, and over a hundred children were abducted or thought to have been born in prison from mothers pregnant at the time of arrest. An association of grandmothers has been searching for the "disappeared" children. Many had been given in adoption to childless military couples, and in some cases, after endless investigating and sophisticated paternity tests, their real identities have been established.

During the period of secret detention, torture was a routine method of interrogation. Some were then released or formally sent to a known prison, thus ending their "disappearance." Others were marked for death. The condemned were probably shot in the head, and buried in unmarked graves or incinerated. It is believed that many were drugged, loaded in planes, and thrown in the sea. In an appendix to its report, the National Commission lists 8,961 cases of people still "disappeared." Lacking access to information that the military still refuses to disclose, the commission in many cases knows nothing more than the victim's name.

THE armed forces were haunted by the prospect of being held responsible for these crimes when it became clear that military rule would end. General Leopoldo Galtieri, who now awaits the court's verdict, was forced to resign as head of state after the debacle in the Falklands. General Reynaldo Bignone, appointed president on June 22, 1982, led the country during an 18-month transition to civilian rule. Although there were recriminations and bitterness among senior military officers over the conduct of the Falklands war, internal cohesion prevailed on the question of the "dirty war" against subversion. The executors of the repressive policies were united by their common guilt. The military men who had not been involved in the "dirty war" had to accept the justification of national security. Institutional loyalty and peer pressure silenced any officers with misgivings.

The outgoing military government took three specific steps to avoid accountability for human rights abuses. First, on April 28, 1983, Bignone divulged the "Final Document on the War Against Subversion and Terrorism." It conceded that human rights abuses occurred—"errors committed as in all wars." It declared that those "disappeared" who were not in exile or in hiding must be considered dead "for all legal and administrative purposes," but claimed that they met their death in open combat rather than while in custody. Massive demonstrations of protest followed Bignone's statement. Second, in September 1983 the military government issued a Law of National Pacification granting amnesty to suspected terrorists and to members of the security forces who had committed crimes during the period of May 25, 1973, to June 17, 1982, the date of Galtieri's resignation. Third, Bignone is said to have issued a decree, which was not made public, ordering the destruction of the documentation related to the military repression.

Alfonsín had promised in his campaign to repeal the amnesty passed by the military. Soon after his inauguration he sent a bill that Congress approved unanimously, declaring the law of National Pacification null and void. This emphasized the principle that those presumed responsible for human rights violations could not amnesty themselves or their accomplices or subordinates. Only society, having learned the full truth, can decide, through its elected representatives or other democratic means, the extent to which an amnesty or other measures of magnanimity might be granted. In this regard democratic leaders would want to emphasize the need for restraint, particularly when national unity and reconciliation are needed to consolidate democracy. Whatever the demands of mercy, there is, however, a moral duty imposed on the international community since the end of World War II: crimes against humanity must be tried and those found guilty punished.

For the Alfonsín government the crux of the matter was whether a complete and public account of the "dirty war" could be obtained. The government was certainly not in the

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political position of a victorious power investigating and trying the crimes of authorities whose military might has been destroyed. Nor was it in a position similar to that in Spain and Brazil, where there was a popular sentiment that the goal of securing democracy demanded a measure of forgiveness (made easier by the fact that the worst crimes of the dictatorships were committed long ago).

The restoration of democracy in Greece in 1974 offers a more valid comparison. In both countries the military took power, ostensibly to defeat leftist subversion, and after seven years of harsh, repressive rule, was forced to leave, following its defeat in a conventional war. In both cases the strength of the civilian government rested on a correlation of legitimacies rather than of forces: the legitimacy of a democratic mandate given by a people who were, moreover, angry at the military coupled with the drastically diminished legitimacy of a military defeated at war and accused of serious crimes at home. However, while the Greek military was accused of grave crimes, such as torture and a massacre of students, such crimes did not approach the magnitude and impenetrable secrecy of "disappearances" in Argentina.

Strength based on legitimacy required Alfonsín not only to scrupulously observe legal principles but also to defer to unwritten rules of the game. This probably led him to conclude that he could not embark on a wide purge of the military or use his authority as commander in chief to force the disclosure of secret information.

Thus his moves were bold but careful. In the first months in office, the president and the Congress laid the groundwork for the trials of the military. Civilian courts were given jurisdiction to try the military for nonmilitary offenses in the future. But for past crimes the Supreme Council of the Armed Forces, a high military court, would have jurisdiction. However, Congress also stipulated that the council's decision would be subject to an automatic review, conducted by the Federal Court of Appeals, a civilian court. Those who acted under orders would be presumed to have believed the order was legitimate, unless it commanded the execution of an atrocious act.

THE Supreme Council of the Armed Forces procrastinated in judging the leaders of the "dirty war." When pressed by the Federal Court of Appeals to conclude its investigation, the council declared in September 1984 that it found no reason to reproach the nine military leaders. This unsurprising result allowed some critics to insist that the "dirty war" crimes should have been tried before civilian tribunals from the start. However, the fact that the military was given a chance to clean its own house enabled Alfonsín to declare that he had gone out of his way in order to be fair.

The case moved then to the Federal Appeals Court of Buenos Aires and the high drama of the real trial began. A restless, passionate public packed the courtroom. The trial lasted six months. Hundreds of witnesses testified. A new publication, *El Diario del Juicio*, devoted exclusively to printing every detail of the trial, appeared and quickly outsold Buenos Aires's established magazines.

Prosecutor Julio Strassera had chosen to make his case based on about 700 cases of "disappearances." He alleged the defendants were responsible for ordering their subordinates to carry out many different crimes ("disappearances" as such is not a legal crime, but a phenomenon that encompasses many crimes), including murder, illegal detention, and torture, or at least for not having prevented them from carrying out such deeds. He rested his case with the request that each defendant be found guilty, and demanded life imprisonment without the possibility of parole for Jorge Rafael Videla, Emilio Eduardo Massera, and Orlando Ramón Agosti; life imprisonment for Roberto Eduardo Viola and Armando Lambruschini; 15 years for Leopoldo Galtieri and Omar Rubens Graffigna; 12 years for Jorge Isaac Anaya; and ten years for Basilio Lami Dozo.

ONCE THE TRIAL of the military leaders is left behind, the process of further searching for the truth about "disappearances" is likely to be painfully slow. Other (not many) high military officers will also be brought to trial. Requests for judicial investigation of the fate of individual "disappeared" persons and of other "dirty war" crimes will continue to be presented to lower civilian courts (at last count about 1,800 had been presented), but there can hardly be progress in such cases without access to information closely held by the military. Alfonsín probably suspected all along that his strategy would only lead to a partial disclosure of the truth. He no doubt judged this was the most he could do, and hoped for the best.

Theoretically, a breakthrough would be possible if some of the military could count on immunity from prosecution in exchange for their testimony. Discretionary prosecution and plea bargaining, however, are alien to the Argentine legal tradition. Other mechanisms could achieve similar effects. For example, a selective amnesty for less serious crimes coupled with a legal obligation to cooperate with the process of justice; or the legal establishment of a special extenuating circumstance for those who fully confess to less serious crimes and cooperate with the justice. Such options, however, might not work at all if military officers believe they have better chances of eluding the action of justice than of escaping the reprisals of their colleagues.

During the trial's summation, the nine defendants sat in the dock with the demeanor of unjustly accused innocents who will be vindicated by history. Their attitude was more likely ideological self-persuasion than pose. Indeed, many officers may still remain convinced that they did their duty and would be ready to fulfill it again if the interests of "national security" so dictate. If the inner secrets of the "dirty war" remain hidden from Argentine public opinion and, yes, from the military officers who have not been forced to face its horrors, then the nine generals and their accomplices may be vindicated—not by history but by a lack of history. The stigma of the "dirty war" will taint the armed forces as a whole for years to come. The gulf between the military and the civilian society will grow more difficult to close, a prospect that can only weaken democracy in Argentina and throughout Latin America. □

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STANLEY KAUFFMANN ON FILMS

After the Film Generation

In 1966 I published an essay called "The Film Generation," which was prompted by the then immense appetite for film in young people—their proprietary excitement, their feeling that film belonged to them because it was the art least tangled with the past and because they were treating it with a new seriousness. Many of these young people were university students, and their appetite quickly caused a growth in the number of film courses, some of which were programs that led to degrees, including doctorates. On April 18, 1968, the *New York Times* reported that 60,000 graduate and undergraduate students were enrolled in 15,000 film courses at 120 colleges, that "all three figures were double those of last year and are expected to double again in the fall semester." The American Film Institute soon began to publish a *Guide to College Courses in Film and Television*; the seventh edition (1980) listed 3,991 film courses for graduates and undergraduates (with 3,477 courses in television and media subjects). These figures, plus the fact that many campuses have extracurricular film series, might lead one to expect that the appetite for film among young people has at least been maintained, if not extended. I think it has diminished.

I offer a brief personal report, not a social study. I'm concerned (as in 1966) not with specialists, students of film, but with young people generally. I think that they feel a much weaker affinity with film, have little sense of "ownership," show much greater ignorance of film history and much less awareness of what they have been missing.

Possibly the first signal of these conditions became visible about ten years ago. From the middle 1960s to the middle 1970s, bookshops—especially paperbound shops—featured film-book sections prominently, near the door. Slowly but markedly, the film books began to move to the back of the shop, and the space allotted to them dwindled. About this time I began to get other clear signals. I teach film courses—not every year but often—at two graduate schools, one of which is in New York, the city where films of every kind are most available. Five years ago, when I was introducing a Godard film to a New York class, I asked how many had seen it before. None. I asked how many had seen any Godard film. Four had seen one film apiece—out of a class of 25. I then told them that if I had asked the same question of a cognate group ten years earlier, the class would have risen en masse and thrown their chairs at me. I did ask that question two years later, with even weaker response. A few weeks ago at the other university, I showed Dreyer's *Passion of Joan of Arc*. Afterward, a theater student and a painting student came up to me, independently of each other, and said the same thing: not only had she not known that the film existed, she had never imagined that the medium itself was capable of such heights.

I could multiply examples. What has happened to the age group I described 20 years ago? Here are some guesses.

First, an environment has disappeared. Beginning in the late 1950s and continuing into the early 1970s, there was a flood of exceptionally fine new films from abroad, films that are now—with the speed of film canonization—enshrined as classics: works by Antonioni, Fellini, Bergman, Kurosawa, Godard, Truffaut, and many more. (When I tell students that I saw those films when they were first shown here, they react as if I had seen the world premiere of *The Oresteia*.) That foreign influx of quality had a huge impact on the young audience of the 1960s. It opened to them possibilities of depth and pertinence in a form they had always loved but had always assumed to be secondary to "serious" art forms. This enlightenment then affected the way they looked at all films, new and old, foreign and domestic, and heightened their desire for comparable American film. By the end of the 1960s American filmmakers had begun to respond to the new audience's pressure for new seriousness. But in recent years, for reasons too complex even to dabble in here, both the flood of serious foreign films and the stream of responsive serious American films have dwindled pitifully. No longer is there an almost weekly reason for resurgent excitement on the screen of a general theater or of a so-called art house. The stimulus toward *all* film provided by urgent new film is much weaker.

Second, film studies may have had an effect analogous to that of literary studies. Two sorts of undergraduates take literature courses: those majoring in other fields and those concentrating on literature who are probably going on to graduate work. The specialists are not my subject: the others, and we all know many of them, feel that they have "done" their poetry and fiction in college and can subsequently devote themselves to practical matters. In film too (as in 1966) the specialists are not my subject; the others, having taken their college courses in film—and with-

FILMS WORTH SEEING

After Hours. Midnight to morn in the life of a New York yuppie. Martin Scorsese turns comic fantasy into macabre adventure, but he does it well. (Reviewed 10/14/85)

Macaroni. Appetizing and nonfattening. Jack Lemmon and Marcello Mastroianni remeet in Naples 40 years after the war. Enjoyable nonsense. (11/18/85)

Shoah. The title is Hebrew for "holocaust." This nine-and-a-half-hour documentary (shown in two parts) contains *not one foot of film you have ever seen.* Claude Lanzmann shot it after 1976, interviewing witnesses of the Final Solution—survivors of the camps, bystanders, and German participants. Ten years' work in 14 countries has produced both a generally fine piece of filmmaking and a grave, important contribution to the history of this century. (10/28/85)

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out the excitement of vital new films to keep them stirring—seem to feel they have paid their dues to "good" film. I know more young couples who have rented cassettes of *Ghostbusters* five times than have rented Bresson once.

Third, the character and number of campus film societies have changed. It began with the tightening of money in the middle 1970s. *Variety* of February 8, 1978, noted that college film societies had shrunk in number and were becoming more "commercial" in their choices in order to keep going. The horror series and the sci-fi series were always around, and why not? But the other, more ambitious, series used to be numerous—and now are slim.

Fourth, rock. Of course there was rock in the 1960s, wildly popular. And now, according to what I'm told (I'm incompetent to judge), the quality of rock today is generally higher than the quality of film today. Rock was always a special, private language for young people; by now, it may largely have supplanted film as "theirs" in understanding and expression.

Surely there are more, and more complex, reasons for the present condition of film appetite in the young, some of them involving the moral-spiritual-intellectual conditions in the world around them. (Our tuned-in president said, after the TWA hijacking in Beirut, that he wished he had seen *Rambo* earlier. It was a joke, of course.) And these conditions, just as certainly as economics, have had an effect on film production, here and abroad. So, in that view, the troubles are circular.

I have no solution to offer. This article is not a program, it's a lamentation. I concede, too, that it's an odd situation when young people's interest in an art's past is so keenly affected by the decline of new work in that art (although I don't think the situation here is much different from that in the theater). I could wish—who couldn't?—that current film production were at a generally higher level, especially if that's what is needed to rekindle union between the young audience and the world of fine film that ought to be theirs. Meanwhile—a word whose precise meaning here I can't define—I am haunted: by those two intelligent young women who were surprised that there had *been* a Dreyer, that a film could be exalting. □

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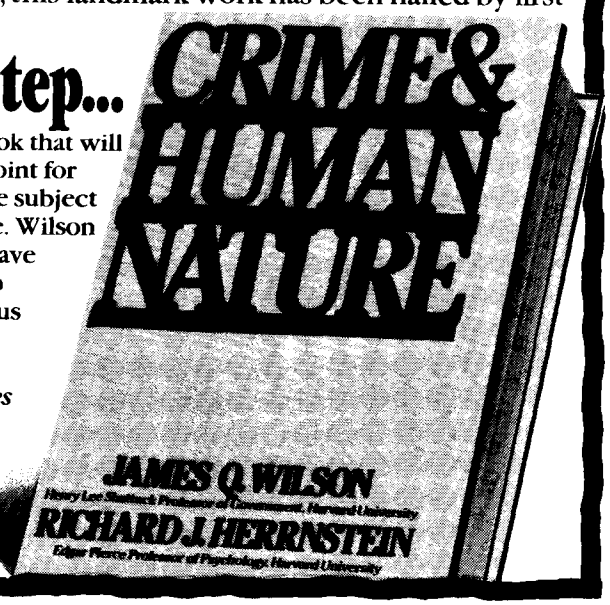

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MAN IN A MOLD

Giacometti: A Biography by James Lord

(Farrar, Straus & Giroux, 575 pp., $30)

Twenty years ago James Lord published *A Giacometti Portrait*, a slim, shrewd, interesting book. Contrary to the sound of its title, it was the ultimate anti-biography. For Lord's book was about himself as the sitter for a portrait, portraying himself watching his portrayer, as though he were a hare turning round to confront its hound. Only in this case the hound, the pursuer, the artist laboring toward the capture of his prey, was Alberto Giacometti. A portrait of Giacometti only insofar as he was engaged in the portrait of Lord, this book worked that very narrow channel of the artist-at-work, shuttling back and forth between easel and model's stand, excluding what went on outside the studio as though to show that the space in which the artist staged his work *was* the whole of his life.

On this stage Lord choreographed the sadomasochistic exchange, the seduction and resistance, the psychological tug-of-war that was peculiar to Giacometti's engagement with what he hoped to turn into art. Filled with this drama, the book was nonetheless quite clear about the impersonality of this passion, which is to say, the way that Giacometti had left a certain notion of personality behind and made art his exclusive labor of love. The artist who emerged from this *Portrait* was quite naturally the spiritual brother of that other postwar Parisian figure Giacometti resembled in so many ways, and with whom he was in fact in deepest sympathy: Samuel Beckett, who was also opposed to a cult of the person of the artist and had insisted, "What matter who's speaking?"

Two decades later the author of that wiry, intense, anti-biographical *Portrait* has produced *Giacometti: A Biography*, a large, sprawling, garrulous book that is a biography indeed. Eager to rummage in the closets and peek under the beds, Lord's book tells its readers about the "secret" of Giacometti's sexuality, about the adolescent bout of mumps that sterilized him, about his subsequent (and probably consequent) swerve away from ideas of love into an almost exclusive sexual exchange with prostitutes, about his fanatical devotion to his mother and his unhappy marriage to a woman who bore the same name as hers, about his final fascination with a prostitute with lurid underworld connections.

These "secrets" are known, of course, to anyone acquainted with Giacometti's own writings about himself, or with any one of several studies of or interviews with the artist. They were Giacometti's open secret, the stories he told over and over in the production of his own myth. He loved to tell about the prostitute who ran him down in the Place des Pyramides, breaking his foot and forever laming him. Giacometti relished writing and telling interviewers about an early encounter with "reality" that made the pictorial treasures of Venice pale in comparison, a tale about his experience of Tintoretto and Giotto being utterly swamped by his vision of some young girls walking down a street in Padua.

Lord's addition to this information is a kind of breathless production of significance and suspense:

> What had happened? Why did the sight of two or three young girls so deeply disturb the feelings with which he had previously been preoccupied? . . . What was it that induced a sensation of terror and made Alberto feel as though he were having a hallucination? What was it that seemed to tear a hole in reality? Why were all the meanings and relationships of things changed in that one moment? And what exactly . . . ?

This gambit of the psychologistic, this rush of questions that seems to set the stage for some kind of answer, perhaps a theory, perhaps another order of explanation, is opened frequently in Lord's book. It is never answered. And so it takes on the quality of the questions at the end of soap-opera installments. (Will Laura marry Dr. Templeton? Will Stella tell George that she is pregnant? How will . . . ?)

Indeed, the narrative often proceeds in a style of the ludicro-dramatic: "On the 10th of July 1912," a chapter begins,

> in a modest brick house facing an unpretentious square in East London, a baby girl was born. Her name: Isabel Nicholas. She grew up amid circumstances which could not possibly have led anyone, least of all the girl herself, to suppose that she might become a person of consequence in the cultural history of her time.

A person of consequence? Isabel who? This is a woman with whom Giacometti lived for three months in 1945 until she ran off to London to join one of what seems to have been an endless number of lovers and husbands. Having remained a lifelong friend of Giacometti, she had the distinction of introducing him to Francis Bacon, whom Giacometti liked, although he found his painting distasteful.

James Lord is very busy with this life outside the studio, certain that it will illumine the space within. And yet to the art itself, and to the issues of making art, Lord brings the stalest and most unexamined of notions about the "creative predicament." As Lord discusses what he elsewhere terms Giacometti's "Surrealist escapade," he offers this:

> Giacometti's Surrealist period does not represent an incongruous parenthesis in his development or career. Though the sculptures of these five years may appear unlike those which preceded or followed, they were all produced by the same artist, whose creative imperative was served essentially in the same way by all the works he executed during his lifetime. Such underlying unity is, of course, the quintessence of every artist's adventure.

Of course. Every artist. Adventure. Creative imperative. Quintessence.

IT IS not just because Alberto Giacometti resembled a character from one of Beckett's plays that a biography of him seems so beside the point. It is rather that this "underlying unity," which is, "of course, the quintessence of every artist's adventure," was startlingly absent from Giacometti's. There was indeed a parenthesis in Giacometti's career. It was not his "Surrealist escapade," however, but a ten-year hiatus between the decade of his Surrealist work and the 15 years of his late career, a hiatus during which Giacometti produced no sculpture. That gulf separates, with a greater sense of rupture than in the work of almost any other artist one can think of, two completely different aesthetic conditions, giving rise to what can almost be viewed as two entirely different artists: the Surrealist before the war and the more-or-

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less realist, Existentialist after it. And there is a third Giacometti, the one who was in fact at work during that long interlude, making torchieres and sconces for Jean-Michel Frank: Giacometti the decorative artist, aided in this production by his brother Diego. And there is a fourth Giacometti as well, the one who made the artist's armatures, who supervised his casts, who finished his bronzes, who developed his patinas, and who in moments of frustration could be heard to expatiate in bars on the subject of "Alberto Giacomettis" and of how he, Diego, could produce them—*had* produced them—as well as his brother.

Giacometti belongs to the postwar phenomenon of the arts, the arts aware of the maze produced by an "age of mechanical reproduction," the arts awash in the rising tide of commercial images, the arts awakened to a new consciousness of the "museum without walls." This was the period when it began to become apparent that many voices might speak through the work of a single individual, and that one of the conclusions to be drawn from this is: What matter who's speaking? Four "Giacomettis," and possibly five or perhaps six, spoke through that "same artist" of Lord's confident description, through that supposed producer of "an underlying unity" for all the work.

This is not the place to argue the specifics for the disunity of Giacometti's production, to demonstrate the difference between a notion of art produced automatically, as it were ("as though they came to me in a dream," Giacometti wrote), and one of intense, obsessional concentration; between the making of fantasy objects and the attempt to record real ones; between a total impersonality of touch (cabinetmakers executed Giacometti's Surrealist works) and the development of a signature-like manipulation of material. The symptom of these differences is that the Surrealist work is radically horizontal, sprawled on the floor, contracted to coincide with the flat plaque of the base itself, while the postwar work is vertical to the point of having almost fetishized that uprightness: the wider public, thinking "Giacometti," thinks long, impossibly skinny figures, stalk-like in their vertical rigidity. Just what is the single adventure that provides the unity Lord speaks of?

ALBERTO GIACOMETTI BY DAVID SCHORR

Lord's man-on-the-street, common-sense aesthetics, his assumptions of unity in the face of evidence he never examines, are everywhere to be found in his book. Among other things this leads to a method of documentation that is not violated by a single scholarly reference, and to constant sneering at the critical performances of those men and women with a rather longer track record than his own for profound responses to the culture of their time. For example, Jean-Paul Sartre's 1948 essay on Giacometti is condescended to as an "intellectual edifice erected upon the scaffolding of Giacometti's own ideas, interpreting the sculptor's endeavors as a felicitous example of Existentialist commitment." Lord makes clear the negative spin he means "felicitous" to have by continually rejecting the possibility that Existentialism has any real explanatory power in relation to the artist's work, terming this a "misinterpretation."

Or again, André Breton's discussion of a work by Giacometti as Exhibit A in his case for the Surrealist concept of "objective chance" is waved into inconsequence. Breton had spoken at length (in his book *L'Amour fou*) of the trouble Giacometti had with the head of this work (a sculpture called *Invisible Object*), a trouble magically "solved" by the accidental finding of a mask at a flea market (reproduced photographically in his book), the relation between the problem of the head and the "solution" of finding the mask serving as a lesson in the logic of the fortuitous. Lord seems never to have heard of this famous example, and instead, when speaking of *Invisible Object*, assures us simply that "the greatest difficulty, as one might expect, concerned the precise placement of the hands in relation to each other."

The short shrift Lord makes of the intellectuals and poets of our time is nothing, moreover, compared to what he hands out to collectors and dealers. Aimé Maeght we are told was a "liar," Pierre Matisse is called "parsimonious" and "smug," Gordon Bunshaft weighs in as "bumptious," and G. David Thompson, "shameless and sly," died "unmourned by any in the art world." This will prepare us, setting the tone for the merciless handling of Annette Giacometti, the artist's widow.

Having neither the stomach nor the tolerance for the kind of gossip about

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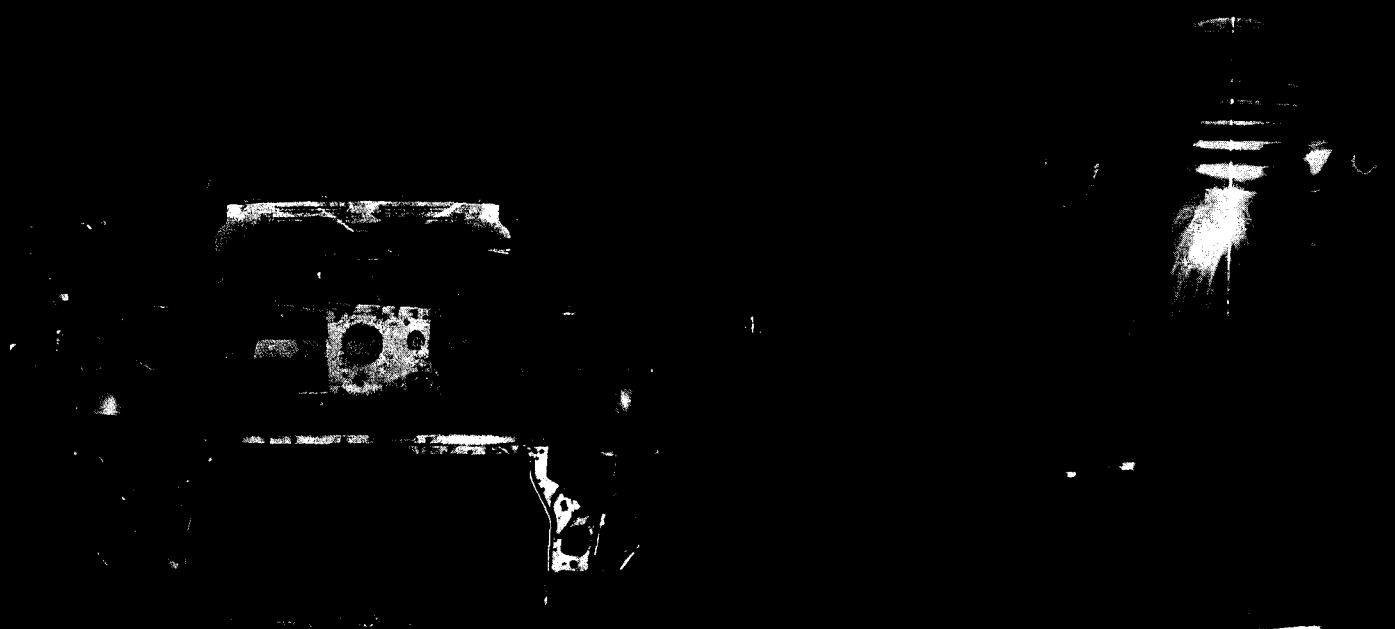

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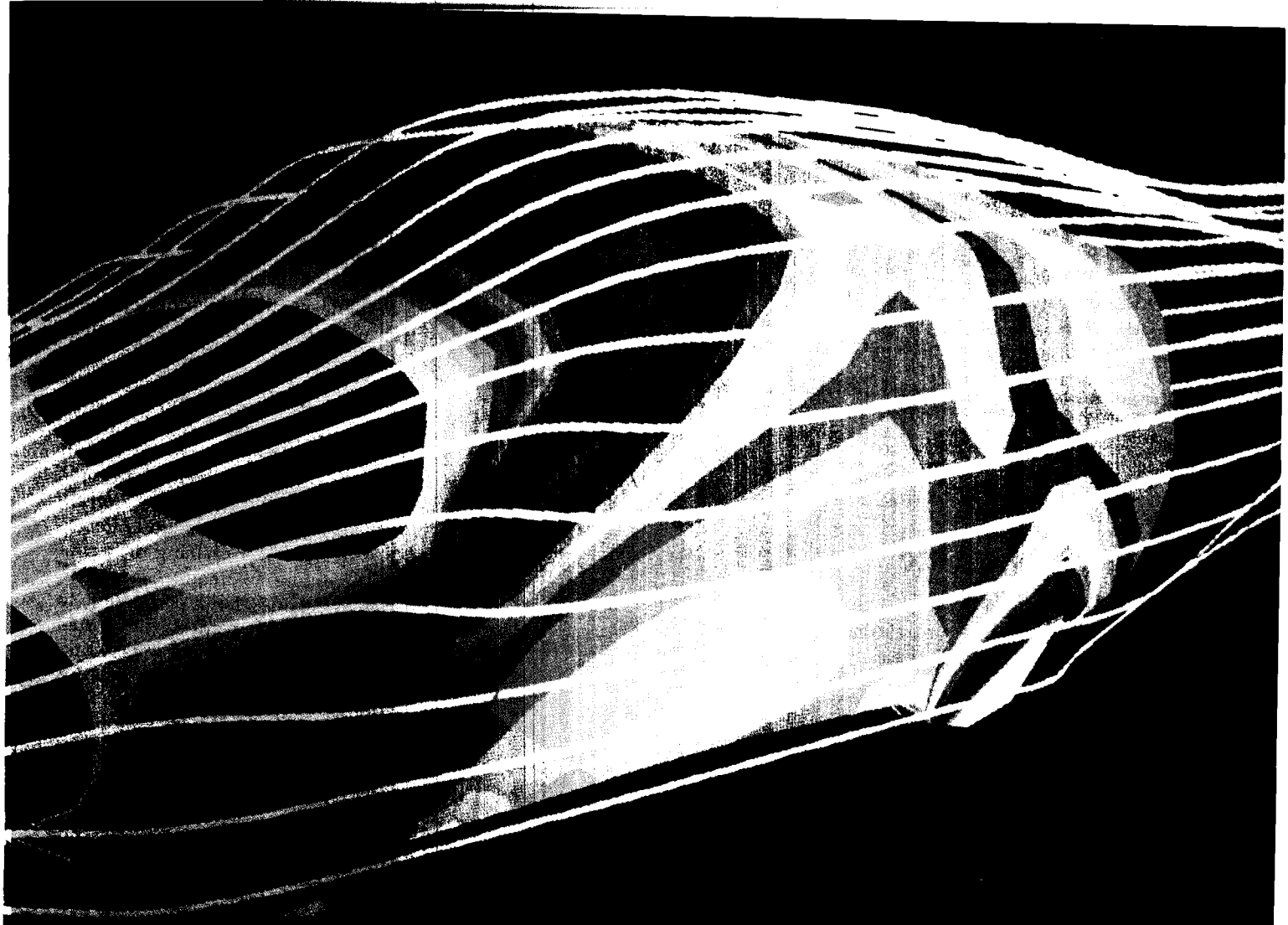

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Madame Giacometti to which Lord feels his task gives him title, I will instead draw what I think is an important, real-world lesson from what could be called the "conduct" of this book. *Giacometti: A Biography* contains some 50 illustrations, some of them of the dramatis personae, some, in fact most, pictures of the work. When this book appears in France, it will carry none of this supporting visual material, for Giacometti's widow has forbidden it. Here we enter the thickets of art publishing, which are thorny indeed.

In France the various laws protecting works of art and their reproductions—the *droit moral* and the *droit d'auteur*—reach rather further than those of the United States. Here, the logic of property obtains, and therefore once an artist sells a work of art, it is the new owner (museum, private collector) who may give or withhold permission to reproduce it. In France the author of a work is thought to exercise a "moral right" over it during his or her lifetime, after which that right passes to the artist's heirs. This moral right is considered to be absolute control over the fate of a given work no matter in whose hands, physically, it happens to be. One aspect of this right is the power to grant or withhold permission to reproduce it visually in any place whatever. (Another, by the way, is the power to reproduce it physically in any number whatever—witness the posthumous casts, for example, that Gonzalez's daughter Roberta has steadily been making of her father's sculpture.) Annette Giacometti, in denying James Lord permission to supply his French readers with visual information about her husband's work, is merely exercising her/Giacometti's "moral right" to do so.

BUT she cannot do that in this country. Yet. In the United States a lobbying group called VAGA is actively seeking to push moral right legislation through various state legislatures. A version of this law has already passed, unopposed, in New York state. Lack of opposition to this law is generally a function of ignorance as to the meaning and implications of the statute, as well as a kind of blanket permissiveness toward artists, generated by some romantic notion of their creative needs. But in this instance, standing directly opposed to such largess to artists and their "right" to control their work is the entire issue of the free passage of information, whether that information is serious and scholarly, or frivolous and commercial.

Unlike other kinds of scholarly discourse, art scholarship depends on being able to "show" the object in question. In literary criticism, for example, this right is guaranteed by the "fair use" doctrine, permitting anyone to quote up to 200 words from any published work, without permission from its author. But it is not clear how to extend "fair use" to the reproduction of an art object, since to reproduce it is to picture all of it (no matter how transformed by a change from its original medium to that of the photograph) and not some very small percentage. This question is beginning to trouble all those who have watched the problems

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that the license to censor given by the "moral right" has caused in France—in the publication of serious books, in the scholarly press, in museums. And those people watching that situation darken are worried about its unimpeded transferal to these shores.

A book like *Giacometti: A Biography* does nothing but strengthen the hand of those who feel justified in protecting themselves by the "moral right." Because of that, and because the stakes are extremely high—involving the life of ideas and of knowledge—it is not just a silly, vulgar book. It is a damaging one.

ROSALIND KRAUSS

Rosalind Krauss is professor of art history at Hunter College and editor of *October* magazine.

THE POLITICS OF AUSTERITY

The Zero-Sum Solution: Building a World-Class American Economy by Lester C. Thurow

(Simon and Schuster, 414 pp., $18.95)

At the end of his 1980 book, *The Zero-Sum Society*, Lester Thurow suggested that voters ask presidential candidates a simple question: "If elected, whose income do you and your party plan to cut in the process of solving the economic problems facing us?" Thurow argued that many of these problems, such as slow productivity growth, required solutions that invariably produced a politically painful redistribution of wealth and income. For example, if productivity could only be increased by a higher rate of investment in plant and equipment, Americans would have to save more and consume less. But which Americans—the rich, the poor, or the middle classes? Unless we squarely faced such redistributional issues, we couldn't hope to resolve our economic problems. The lack of a social and political consensus would make it impossible.

No one seems to have asked Thurow's question, at least overtly. Instead, we got Ronald Reagan asking, "Are you better off than you were four years ago?" Even though most of us really were better off, we didn't feel better off. And because we didn't, we threw the old rascals out and brought in new rascals who promised to do better.

But the new rascals have done no better than the old. Both monetarism and supply-side economics have been discredited by events. Sooner or later, says Thurow, the current recovery, produced by the Reagan administration's closet Keynesianism, will be undone by the growing trade and fiscal deficits. Even if the Federal Reserve pushes down short-term interest rates, the rising deficits will gradually abort the recovery. We'll be right back where we started—facing politically difficult choices that require the apportionment of pain and sacrifice as the necessary price of building a "world-class American economy."

The central problem with the American economy, says Thurow, is anemic productivity growth. The U.S. rate of productivity growth in manufacturing has fallen from 3.2 percent in 1948-65 to just .6 percent in 1977-82. Today virtually all of our industrial competitors have rates of productivity growth exceeding our own. Some, such as West Germany, appear to have caught up with us in overall productivity; others, such as Japan, are still behind, but gaining fast. Unless we can find a way to get a rate of productivity growth equal to what our competitors are getting, the American economy will inevitably be overtaken by those of our principal economic competitors. The American standard of living will fall relative to theirs (though not necessarily in absolute terms), and Americans will gradually be reduced to competing in the international marketplace on the basis of wage rates lower than those of the new productivity leaders. Even if we succeed in balancing the budget, lowering unemployment, inflation-proofing the economy, and

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bringing down the value of the dollar—all daunting tasks in themselves—we will still lose out in the international marketplace unless we find a way of reaccelerating productivity growth.

THUROW is not one to leave the reader hanging. His new book, originally meant to appear in the midst of last year's Democratic primaries, has the flavor of an intellectual supermarket. There is an agenda for industry and an agenda for government. There is a program for savings, and a program for investment. There are short essays on health care (he thinks we spend too much on it), defense spending (a fairly conventional account of why "more is not better, better is better"), and public education (a nation in which one in five adults is functionally illiterate, he says, is simply not going to compete with Japan, where the illiteracy rate is just one percent).

But it's only when he gets around to the subject of the tax system that Thurow really hits his stride. He wants to see the ratio of capital invested per worker grow as fast in the United States as in those European countries that have already reached American productivity levels. To accomplish this, the share of GNP invested in plant and equipment will have to grow from the current 18 percent to 25 percent over the next seven years. And this, in turn, will mean increasing the personal savings rate to about 15 percent of disposable personal income—more than twice the postwar average of about 6.5 percent. Obviously that won't be easy. As he points out, one of the major reasons Americans save so little is that it is so easy to borrow in order to finance personal consumption.

Thurow's draconian solution? Larger down payments on consumer goods, shorter repayment periods, and an end to the tax deductibility of consumer credit. He would place severe limitations on mortgage credit, including a 20 percent minimum down payment requirement that would increase two percent each year until the desired level of personal savings had been reached. He would liberalize the rules concerning Individual Retirement Accounts, and exempt from the payroll tax any earnings received in the form of bonuses.

To move the public sector out of the red and make it a net saver, too, Thurow advocates a new 15 percent value-added tax, which he thinks could raise as much as $385 billion a year. He also wants to see a new dollar-a-gallon tax on gasoline, and something like the Bradley-Gephardt "flat tax." After a few balance sheet adjustments to reflect $110 billion more in annual spending on education, infrastructure, and research and development, Thurow produces a federal budget that is actually in the black to the tune of some $36 billion, or about one percent of GNP. To accomplish this, however, Thurow too must succumb to the artifice of a "magic asterisk"—claiming that his rather vague proposals for restructuring the workplace will, in combination with looser monetary policies, push unemployment down to the level of four percent, and thereby eliminate some of the upward pressure on federal spending.

Simply summarizing this material in this way inevitably fails to suggest the richness of Thurow's imagination. He has so much to say, and is in such a hurry to say it, that even when he is less than persuasive, he is always interesting. Like Schumpeter, Thurow is aware of the painful social and economic dislocations produced by technical progress and economic change. While this "gale of creative destruction" ultimately results in a richer, more produc-

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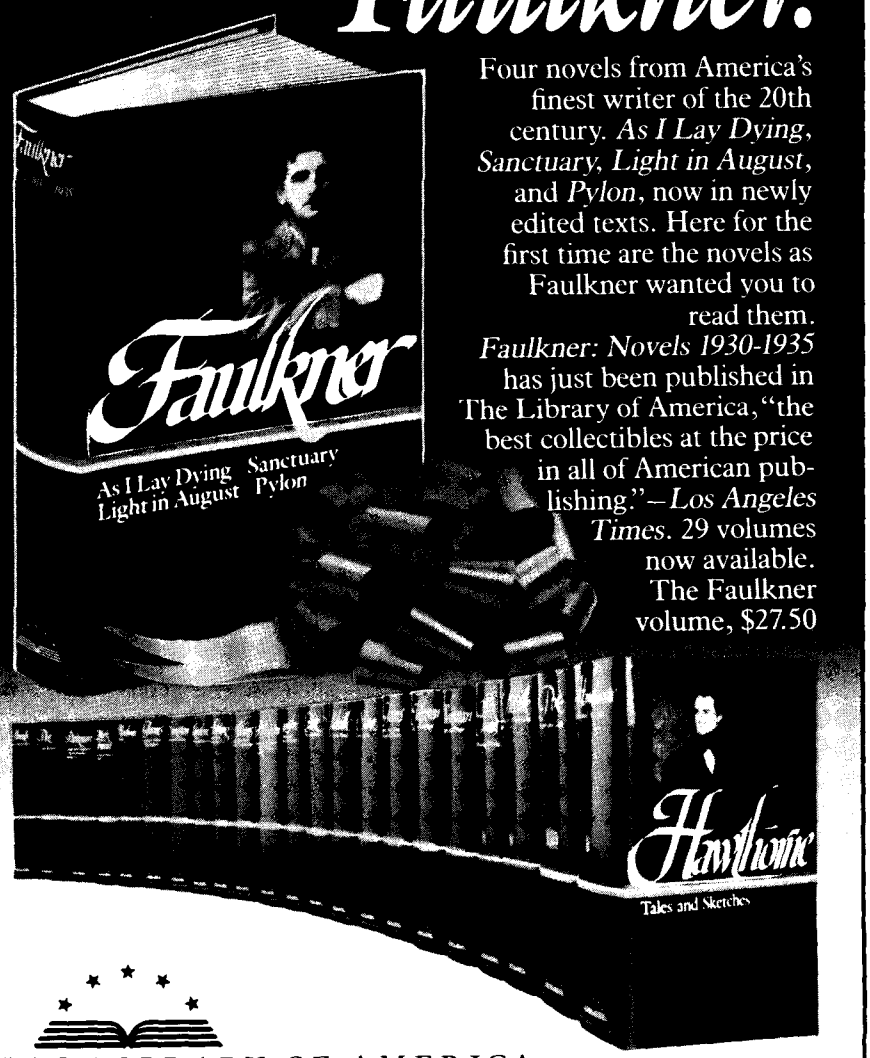

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8. *Not* counting the military arm, what is the cost of the federal bureaucracy, annually, per person in the U.S.?

AMERICA BY THE THROAT
The Stranglehold of Federal Bureaucracy

by
George Roche
President, Hillsdale College
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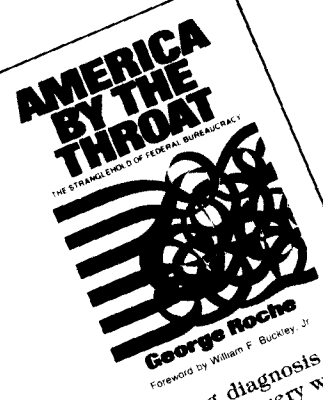
National Council on Educational Research



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tive society, it also churns out large numbers of short-run losers, all of whom have names and addresses, most of whom vote, and at least a few of whom contribute to political campaigns. Many economists simply ignore this, and restrict their attention to the positive net results of economic development. Not Thurow. He knows that politics isn't about the net but the grosses. And it is this, more than anything, that has made Thurow the most influential economist of his generation—and the village explainer to an entire generation of congressional Democrats.

UNFORTUNATELY, he hangs too much of his case on matters that are less than clear-cut. Take, for example, his suggestion that U.S. labor productivity is permanently bogged down in the vicinity of one percent annual growth. He may be right, but one could argue just as plausibly that most of the factors that led to low labor productivity growth during the 1970s have now been overcome. Energy prices have steadied and even fallen, inflation remains in check, public and private R&D spending is up significantly, the costs of regulatory compliance have at least stabilized, and the enormous number of baby boomers and women who flooded the labor market in the 1970s are now older, more experienced and considerably more productive than they were ten years ago.

In 1983, after declining for four consecutive years, manufacturing productivity grew by 3.1 percent. Last year it grew by 5.2 percent—the biggest increase in nine years. In the second quarter of this year, it grew at an annual rate of 6.8 percent. Perhaps, as Thurow says, this is simply the usual productivity rebound that accompanies a recovery. But the jury's still out. Barring a sustained recession in the next few years (possible, of course, but not certain), it's not hard to imagine average annual productivity growth of 2.5 to three percent over the rest of the decade.

This matters crucially, because much of Thurow's argument centers on the social and economic dangers posed by sluggish productivity growth. If, for example, productivity growth returns to the three percent range it averaged from 1948 to 1965, the rationale for many of Thurow's more drastic reforms—the radical overhaul of social organization—is severely weakened. To

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be sure, more productivity growth is always better than less. More savings, more investment, better public education, less gratuitous consumption of health care services, less frequent and less severe recessions, a balanced federal budget—these things could only improve the nation's economic performance.

But people aren't going to be inclined to make major adjustments in their lives, or temporarily forgo rises in their standard of living, unless they are persuaded that their backs are really against the wall. And just now, it's far from obvious that a real crisis is even close at hand. If, for example, Congress succeeds in reducing the deficit over the next several years to just two percent of GNP, the Fed keeps pushing down interest rates, and the dollar gradually drifts down by, say, 20 percent against the major currencies, it's quite unlikely that we will be reaping the whirlwind in what Washingtonians like to call "the out-years." The economy will still have problems, as it always does. But they will be manageable problems.

SIMILAR quarrels can be picked with other parts of Thurow's analysis. He repeats, for example, much of the now-discredited argument about the "disappearing middle class." Here, however, unlike in the debate over productivity, the facts are not in dispute. The middle class is not disappearing. Period, full stop. Yes, the proportion of workers in manufacturing jobs is declining (although the share of the nation's GNP produced by manufacturing is just about the same as it was 30 years ago). Yes, manufacturing jobs have traditionally provided the largest share of middle-class jobs. No, most production jobs in high-technology firms do not pay below-average wages. (In fact, they pay above-average wages.) And no, the economy's shift from manufacturing to service employment does not mean that most of us are going to wind up, as Walter Mondale used to say, "wrapping hamburgers and sweeping up around the Toyotas." Of course it would be enormously helpful in building a sense of economic crisis if this were true. But it's not.

Thurow has also signed on with those who would make the Federal Reserve a more pliant instrument of presidential economic policy. He argues fairly persuasively that the nation needs a

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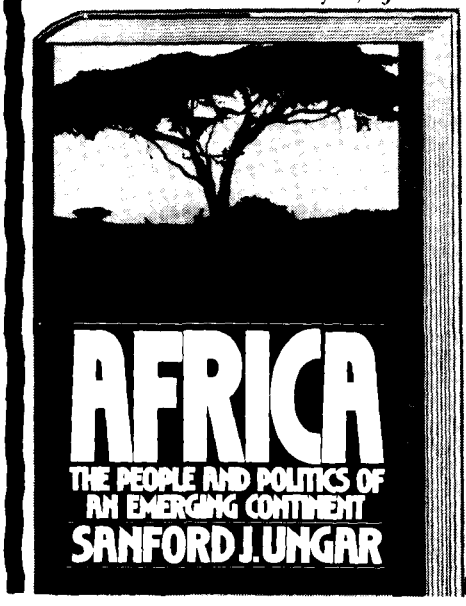

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macroeconomic policy consisting of low interest rates, looser monetary policies, and tight budget-surplus fiscal policies. But he is entirely unpersuasive when he suggests that the Fed get out of the business of fighting inflation and instead focus on providing the interest rate environment that would support full employment. As Thurow notes, the Fed's partial independence had its origin in the belief that elected officials were either "too incompetent or too untrustworthy to control the money supply"—a belief that he rejects as both wrong and irrelevant.

> If the President is competent enough to have his finger on the nuclear button, he is competent enough to control the money supply. If the Congress is competent enough to control taxes and spending, it is competent enough to approve changes in the rate of growth of the money supply.

THIS IS a curious and deeply mischievous argument. Why did Congress and the administration go along with the Fed's independence in the first place? Precisely because they recognized that they were prone to manipulating its activities for short-term political gain. Presidents, in the main, get the money growth they want and deserve. There is scarcely any evidence to the contrary. But the Fed's nominal independence provides an important fig leaf. Without it, it would be extremely difficult for a president to avoid a permanent bias toward inflationary monetary policies, since he would then be viewed, even more than he is today, as personally responsible for the nation's economic performance.

The Fed under Paul Volcker can be fairly criticized for many things—coddling the big banks, waiting too long to abandon its experiment with monetarism, not doing more just now to push down short-term interest rates. But there is no doubt at all that had the Federal Reserve been subject to the enormous political pressures of immediate presidential and congressional control over the past five years, we would still have a punishingly high rate of inflation, and a basket-case economy. Congress and the executive branch would not have come to grips with inflation. In *The Zero-Sum Society*, Thurow insisted that the only way inflation could be brought down, short of a major restructuring of the economy, was for the Fed to induce a recession that pushed the unemployment rate to at least 30 percent. Clearly he was wrong.

Thurow once again takes up the argument for "industrial policies"—though less exuberantly than in his previous work. This is ground that Thurow and his critics have covered many times before, and what he has to say here is unlikely to win him many converts. The real objection to industrial policies, he acknowledges, is the belief that "American government is incompetent and exercises bad judgment." The existing, implicit, and unrecognized industrial policies of the United States—the tens of billions in loans and subsidies and tax preferences for industry now administered piecemeal by Congress—are so bad, he says, not because Congress is incapable of acting in a sensible way, but because it hasn't had "viable alternatives" available to it. Here Thurow is at his ivory tower worst, claiming that anyone who thinks that members of Congress are incapable of exercising self-restraint, or of putting the national interest ahead of the interest of their own district, is engaging in "defeatism of the rankest sort . . . [and] essentially arguing that America is Rome in its period of decline." This is an admirable attitude—the stuff of Fourth of July speeches—but it can only be sustained from the comfortable distance of Cambridge, Massachusetts. One could not, for example, closely observe the behavior of the House Ways and Means Committee as it dismembers the Reagan tax-reform proposal and still hold to it.

THUROW gets into particular trouble when he piles on to the liberal-left orthodoxy, in a fairly transparent effort to have something to say to all the Democratic Party's constituency groups. For example, his own views lead him to be sternly anti-protectionist. He says that the record U.S. trade deficit isn't the result of unfair foreign trade practices but rather of uncompetitive American products. Where older industries have successfully argued for temporary protection from import competition—a breathing space—they have consistently failed to exploit that opportunity. "It is a simple fact of life," he observes, "that industries that do not have to compete won't compete." When the national interest does require government intervention to stave off a major corporate collapse, Thurow would have the public sector demand equity participation in the protected firm—not just in formal bailouts such as Chrysler, but

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also where apparently costless import protection is provided. After all, he says, import protection raises prices for consumers, who are also taxpayers. They deserve compensation.

This is all very sensible. Unfortunately, Thurow then turns around and argues for "temporary" import surcharges on products from countries with which the U.S. is running an especially large trade imbalance. He says that temporary maladjustments in the international currency markets must be kept from doing irreversible damage to American industry. This is a protectionist gambit, nothing more—an example of how the desire to remain politically fashionable can undo even a normally coolheaded fellow like Thurow. If he was really that concerned about the effect of unmanaged currencies on industrial capacity, he would also argue for a "tax on exports" to prevent the buildup of excess industrial capacity during periods, such as the late 1970s, when the dollar was undervalued ("the Carter discount"). Needless to say, he doesn't, because although the same logic applies, he'd be laughed out of court.

FINALLY, Thurow argues that sustained economic growth will require more egalitarian social and economic policies—a narrower distribution of after-tax earnings. However, when it comes time to specify just how egalitarian this distribution should be, he is a bit vague. In *The Zero-Sum Society*, he suggested that the gap between the top quintile of wage earners and the bottom quintile should be no greater than five to one—the distribution that prevails for fully employed white males. Now he is content to say that the preponderance of resources needed to finance a revival of productivity growth should be taken from the richest 20 percent of American households, which currently receive 44 percent of total income. (That top quintile, by the way, starts at about $40,000—a fact that Thurow does not mention.) This part of the book will be of interest only to those who share Thurow's social democratic tendencies, because he does not make a particularly compelling case that less income inequality would do more for economic growth.

The problem with any book as ambitious as this one is that the author is apt to chew more than he can bite off. I think Thurow makes a serious error in being so deeply partisan. When he cuts

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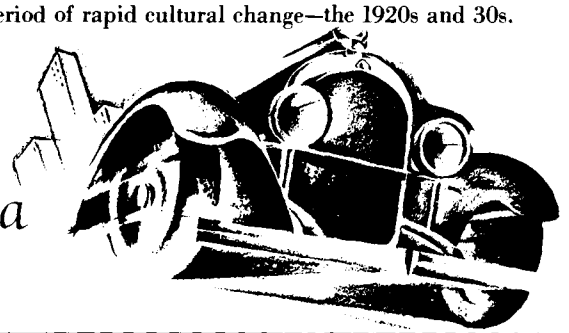

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the numbers to make Reagan's economic record appear as dismal as possible, he necessarily loses much of his own hard-won credibility. And when he sets himself up as a political strategist, he succeeds only in showing that economists are as hazy about politics as politicians are about economics. (At one point, he suggests that when Republicans cry "Liberate the entrepreneurs!" Democrats should counter "Improve social organization!" This might help them carry the liberal caucus at the Sloan School of Management, but that's about it.)

Yet he is right, I think, to fault the Democrats for lacking a coherent view of how the economy works, and just as right to argue for some explicit "Democratic alternative" to the fiscal and monetary policies of the Reagan administration. Just now, for instance, congressional Democrats have literally nothing to say about monetary policy, and on fiscal policy they appear content to me-too the Republican Senate majority—the only difference being that they would apply the scalpel in slightly different places. If Thurow's book is read by only a small fraction of the people who ought to read it, he should at least succeed in raising the current, rather low level of internal debate within the Democratic Party. With the next Democratic president now in her third year of law school, who could ask for more?

MICHAEL BARKER

Michael Barker is editor of *Politics & Markets*, a monthly newsletter published by the Gallatin Institute of Washington.

THE WALKING WOUNDED

Some American Men by Gloria Emerson

(Simon and Schuster, 315 pp., $17.95)

"One is never over it," says a psychiatrist to Gloria Emerson about the trauma of war. "I don't think anyone can recover." The doctor is ostensibly speaking about some of the battle-scarred veterans in Emerson's new book, *Some American Men*, but he might as well be referring to the journalist who has solicited his observations. The Vietnam War is not yet over for Emerson, who covered it as a correspondent for the *New York Times* and recounted its impact on American society in *Winners and Losers* (1977). While *Some American Men* claims to be "a book suggesting why some men of different generations and class behave as they do," its author hasn't sought a cross section of interviewees. "This is not a book about [men who served in Vietnam]," she writes in the prologue, "but perhaps they are the reason I began it, for no other American men had ever spoken to me as they did." They are still, for the most part, the only men who really speak to Emerson here.

The majority of the male specimens that she examines have either gone to war (preferably in Southeast Asia) or have been explicitly shaped by war. In *Some American Men*, masculine behavior can usually be explained as a moral equivalent of war; a man achieves spiritual salvation once he finally rebels against the bloodthirsty code. The prototypical object lesson in Emerson's book may be Thomas Fox, a Stanford University football player of the 1960s who was radicalized by the American bombing of Haiphong and later went to Vietnam as a volunteer for International Volunteer Services. Once in Southeast Asia, he learned—as, in the author's view, too few American men have—that "football has nothing to do with real war."

The same morality tale, with variations, surfaces again and again in the profiles of *Some American Men*. Carey Winfrey, a *New York Times* reporter covering African unrest in the late 1970s, sours on journalism in part because of "the affinity between the foreign correspondent and the military." Dustan Ball, saved by a lottery number from fighting in Vietnam (where his cousin

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was killed), overcomes the legacy of a bar-brawling, gun-loving veteran father to pursue a career in enlightened crime prevention as an executive in charge of "loss prevention" at a supermarket chain; he is proud of telling his son, as his father did not tell him, that "he doesn't have to be a little soldier." Peter Godoff grew to hate selling cars because of the conscienceless showroom manager, a World War II veteran who delighted in bamboozling naive customers. Godoff eventually finds his escape (and fortune) in marketing a line of gourmet sorbets—much as Winfrey finds peace in editing *Cuisine* magazine and Ball finds a creative challenge in outwitting grocery shoplifters. Why is it that so many of Emerson's men finally overcome the militaristic impulse by taking up careers pertaining to food?

THIS IS only one of many perplexing questions left unanswered by this idiosyncratic book. "Some things have changed for American men, but not that much for all of them so they must only pretend," writes Emerson early on, claiming that "the old definition of masculinity still persists" and that what "most men fear" is "the ridicule reserved for those considered epicene." She further concludes that men "see visible emotion as a form of surrender" and "do not want to be considered, above all else, loving and warm, any more than they would wish to be called gentle or sensitive unless their profession made this a commendation, unless other adjectives came first." The reader keeps wondering why the author persists with these generalizations, for nearly every specific example in *Some American Men* contradicts them.

While some of Emerson's subjects may be reticent about emotions (especially with their fathers), most of them are warm and loving; nor do they worry too much that to be epicurean is to risk being ridiculed as epicene. From Michael Hamburg, a Vietnam draft resister now teaching problem adolescents, to Gilbert Hunn, a California doctor who traveled to Thailand to treat Cambodian refugees, to such paragons of beneficence as Father Richard Etzen (who distributes food to the needy in Kansas) and Fitzroy Herbert (a selfless antipoverty agency bureaucrat), Emerson's American men have evolved into gentle, sensitive champions of peace, not war. Although the writer keeps positing a country full of men and boys likely to worship Rambo, the characters populating her book could all be played by Alan Alda. Indeed, the popularity of Alda's antiwar military medic in "M*A*S*H"—and that of television's reigning exemplar of the warm, loving American man, Phil Donahue—belies Emerson's thesis.

THE contradiction between the book's conclusions and its evidence is not the only factor that vitiates its validity as either a journalistic or a sociological study of its topic. Emerson's men tend to be upper-middle-class whites (the principal black interviewee is of Caribbean descent) and are, apparently, all heterosexual. Too much use is made of vague sources: in one typical paragraph, quotations are attributed to an unnamed "psychologist at Indiana University" and "a man in Chicago." Given Emerson's unreconstructed predilection for New Journalism's use of indirect quotation and paraphrase, the book doesn't work as Studs Terkel-esque oral history either.

The author also identifies so strongly with her subjects that she inadvertently ends up adopting some of the macho values that she excoriates. In the book's first section, titled "Disorderly Conduct," she recounts at considerable and seemingly pointless length the boorish adventures of a supposed Princeton rebel (class of '83). There's a boys-will-be-boys tone to the writing; Emerson seems to excuse the young man's womanizing and other self-indulgent behavior on the grounds that he opposed American intervention in El Salvador and spent a summer working as an oil-field hand (a peaceful "equivalent of joining the army"). At times the author is so proprietary about her men that she even seems to be jealous of the women in their lives—often reducing them to the simple, faceless status of "his wife" or "his former wife" or "the woman he is going to marry." When one of the uncharacterized wives tells Emerson that "you know more about my husband than I do," the writer records the remark as if it were the accolade of a lifetime.

But if *Some American Men* is without much merit as a book about men, it still has merit as a book. It's as a portrait of one American journalist—one who cannot and will not recover from the war—that Emerson's enterprise achieves its flashes of disturbing power.

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Tri, seeing those mangled bodies coming back from Laos?" asks Thomas Fox, the reformed Stanford football player, in a conversation with the author. "Do you remember the hospital tent and the flies on those bloodied bodies? I will never let those feelings run out; they will be the fuel, and a guide, for the rest of my life." Fox's words come near the end of *Some American Men*, and they, at last, put the meandering and humorless narrative in perspective. As in *Winners and Losers*, Emerson is fueled by a rage aimed at those fellow citizens who never saw those bloodied bodies or who ignored them or have forgotten them entirely to settle back into complacency. She finds no solace in the belated national concern for Vietnam veterans, claiming that Americans only admire the veterans now because they have "grown docile" and are less inclined "to attack the government and its foreign policies." And as she is contemptuous of those who no longer brood about Vietnam, so she is morally offended by women who, in her view, reap the benefits of the women's movement without ever having sacrificed in its trenches. In a long section in which she tries and fails to bring new light to the question of why men over 45 leave their wives and remarry "much younger women," she rails against one of those younger women, who does "not know the meaning of Selma or the Ia Drang Valley or what year Bobby Kennedy was shot in a hotel kitchen."

EMERSON, who never forgets the meaning or dates of any of these cataclysms, is at her best when pouring this anger into new causes. With only the scantest pretext, she segues into lengthy digressions on the spread of cancer at the industrial workplace, the effects of the 1981-82 recession on the unemployed, the dismantling of welfare programs. Losing her temper entirely at the book's end, she recites, apropos of nothing in particular, a scattershot catalog of woes that reflects the disorganization of the entire text:

> That summer there was war in Chad, war in El Salvador, war in Nicaragua, war in Lebanon, war in Afghanistan. The expression "get real" was often heard in certain circles in New York, usually among the young who were overworked and wanted to make films, an unrealistic ambition. The dollar was too strong. Hundreds of young Americans, male and mostly minors, using names such as Cracko and Red Rum and Stainless Steel Rat, had roamed without authorization through some of the country's most advanced computer systems. . . .

These days it's very easy to mock this brand of unalloyed liberalism, of course, and the public breast-beating and guilt that accompany it. (The author's guilt is so pronounced that, in a harrowing description of her successful battle against meningococcal meningitis, she says that "if you make a living writing about the dispossessed and dying, then there is a certain rough justice if you come down with one of their diseases.") But when Emerson can maintain her focus—as she does in a long investigation of one recession-blighted Ohio town—she puts her reportage where her rhetoric is, documenting a case against injustice with the force that's missing in her case about men. The sadness is that the Orwellian journalistic achievements of *Some American Men* are fragments, floating among the sentimental homages to her brothers at past and present fronts. And the tragedy is that the author, who at one point half-jokingly refers to herself as "unbalanced," seems to recognize her dilemma and be powerless to stop it. One hopes that she will regain her equilibrium soon. Gloria Emerson is far too sensitive and valuable a reporter to become another casualty of our longest war.

FRANK RICH

Frank Rich is the drama critic for the *New York Times*.

FREE TO CHOOSE

God Save This Honorable Court: How the Choice of Supreme Court Justices Shapes Our History by Laurence H. Tribe

(Random House, 171 pp., $17.95)

Before 1986 is over, we will have the oldest Supreme Court bench in American history: five of the justices will be 80 or older before the next presidential election. It is widely assumed that the president, acting largely at the direction of Attorney General Edwin Meese, may have an opportunity to reshape the Supreme Court and influence the nation's jurisprudence well into the next century. The president and his spokesmen have not been bashful about asserting that the president will utilize his power by appointing known conservatives who may sharply alter the Court's currently precarious moderate balance.

But why should the Senate concur in such choices? Article II of the Constitution, which contemplates a critical Senate role in selecting justices, reads: "The President . . . shall nominate, and by and with the Advice and Consent of the Senate shall appoint . . . Judges of the Supreme Court. . . ." Some have read this provision to confer only a limited role on the Senate. Richard Nixon, for example, claimed in 1970 that the president has "the constitutional responsibility to appoint members of the Court," a responsibility that should not be "frustrated by those who wish to substitute their own philosophy or their own subjective judgment for that of the one person entrusted by the Constitution with the power of appointment."

Professor Laurence Tribe has entered this fray with a timely and helpful book. Although he fritters away too many pages with a summary recounting of cases designed to demonstrate the obvious point that Supreme Court decisions have been important in the past and are likely to be important in the future (one whole chapter consists of a capsule summary of numerous decisions handed down by a five-to-four vote), he is essentially right on the central point: the Senate is constitutionally entitled and obliged to make its own independent judgment about whether confirmation of a Supreme Court nominee would be in the best interest of the country.

The question of the degree to which the Senate should independently evaluate Supreme Court nominees is necessarily intertwined with another issue: whether either the president or the Sen-

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ate may properly take into account a prospective nominee's judicial and political views. If a nominee's philosophy is not a proper concern, then the Senate is limited to a rather ministerial review of his or her formal credentials. But why should either the president or the Senate fail to take account of a prospective justice's social, economic, political, or judicial views when determining whether to nominate or to confirm?

PRESIDENTS generally have, and should have, taken into account a candidate's general orientation in making appointments. When President Washington nominated the first group of Supreme Court Justices, he chose from those who had supported with some enthusiasm the adoption of a Constitution that created an overarching national government, passing over those who had only reluctantly accepted these incursions on the previous independence of the states. Should Washington have been indifferent as to which side of this great philosophical divide a potential nominee had previously chosen?

When Lincoln debated Douglas, the great constitutional issues of the era concerned the compatibility of the Constitution with the institution of slavery. Stephen Douglas argued that a president should nominate justices with blissful indifference as to how they stood on the fundamental question of the rightness or wrongness of slavery and the power of Congress to control its spread. Lincoln, on the other hand, made it clear that he would nominate justices who viewed slavery as a deviant institution, one grudgingly granted only limited protection by the Constitution. Similarly, when Franklin Roosevelt chose nominees, he selected from among those who appeared to share his view that the Constitution did not pose insuperable barriers to the ability of the national government to regulate the national economy. The ability of elected presidents (and elected senators) to exert some influence on the future course of the nation's jurisprudence is an appropriate (and appropriately limited) popular check on the exercise of the power of judicial review, without which that institution might not be acceptable in a constitutional democracy.

Appointing justices who assert that they will confine themselves simply to "enforcing the Constitution as the Framers wrote it" may seem an appealing way to avoid social and political considerations in the appointment process—but only to those who have never read the Constitution. The Framers left us no list of what is included in the "privileges and immunities" of citizens, or of the content of the "liberty" that the states may not, without "due process," infringe. Similarly, they left us no definition of the concept of equality that would provide a detailed guide for determining what does and does not constitute "Equal Protection of the Laws." In grappling with these and similar issues, a justice must necessarily draw upon a wide variety of sources. As Charles Black of Yale once wrote:

> It has been a long time since anybody who thought about the subject to any effect has been possessed by the illusion that a judge's judicial work is not influenced and formed by his whole lifetime, by his economic and political comprehensions, and by his sense, sharp or vague, of where justice lies in respect of the great issues of his time.

IF the president may take a candidate's philosophy into account in determining whom to nominate, is there any reason why the Senate may not also take this into account in deciding whom to confirm? Nothing in the constitutional text would suggest a more restricted role for the Senate. Surely the agent charged with giving "advice" should take into account the same range of considerations the advisee may consider. By requiring "advice," as well as "consent," the Constitution may even indicate that the Senate, or its Judiciary Committee, could properly suggest in advance to the president the names of those the senators believe should be considered. This would not be unprecedented: after the Senate rejected two of his nominees, Grover Cleveland sought the Senate's advice before successfully submitting a third name.

Although Professor Tribe curiously devotes only a paragraph to the consideration of the Appointments Clause by the Constitutional Convention, those debates lend significant support to the inference that senators should make their own independent judgment, largely unfettered by the president's view, about whether to confirm a nominee. The original Virginia Plan, introduced at the convention on May 29, 1787, provided that all judges would be appointed by the national legislature. By June 19, the convention had decided that the whole legislature was too

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numerous for the appointment of judges, and lodged that power exclusively in the Senate. Attempts to confer the power on the president to the exclusion of the Senate were solidly defeated. George Mason stated that he "considered the appointment by the Executive as a dangerous prerogative. It might even give him an influence over the Judiciary Department itself." Only near the end of the convention was it agreed to give the president *any role* in the selection of judges; even then the president's power to nominate was carefully balanced by requiring the concurrence of the Senate. That final language was not seen to dislodge the Senate from a critical role in the process. Gouverneur Morris paraphrased the final provision as one leaving to the Senate the power "to appoint judges nominated to them by the President."

THOUGH he slights the support he might have found in the Constitutional Convention debates, Tribe adds fresh arguments that prudential and institutional considerations counsel an active Senate role. Since a third of the Senate is elected every two years, the Senate reflects the popular will drawn from a series of elections over time rather than the single snapshot that produces the election of a president. The Senate contains members from every state and representatives of both political parties, and therefore brings to the appointment process a more diverse range of views than is present in the chief executive's acting alone.

Throughout the 19th century the Senate conceived its role broadly, rejecting more than one of every four presidential nominees. It rejected George Washington's nomination of the able John Rutledge, leading to the subsequent appointment of the more strongly nationalist John Marshall, our greatest chief justice. The Senate rejected five of President Tyler's six nominees, and three of Filmore's four. Since 1900, however, only one out of every 13 nominees has been rejected. Many members of the Senate have come to view their role as more restricted than the president's. When voting to reject a nominee, senators have thought it necessary publicly to rationalize their vote on the grounds of lack of ethics or competence, rather than on the more honest basis of objections to the nominee's philosophy. And even when a majority of the Senate mustered the courage to reject Nixon's

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1970 nomination of G. Harold Carswell, nearly half of its members did not. Forty-five senators voted in favor of Carswell, widely considered the least qualified nominee in this century.

Some senators may be confused by an erroneous analogy to the Senate's more limited role in confirming nominees for executive branch positions. The president is entitled to have in his administration persons who agree with his philosophy, since their job is to carry out his wishes. This is decidedly not the case with Supreme Court justices. When asked to confirm a judicial nominee, the Senate should act as it does when asked to ratify a treaty. When voting on a treaty such as SALT II, no senator would assert that the Senate's role is limited merely to determining whether the negotiators at Geneva were corrupt or incompetent. On the contrary, each senator asks whether, in light of all relevant information, he or she believes that voting to "advise and consent" is in the overall interests of the United States.

I do not mean to suggest that a senator should attempt to impose his or her own views on the Court. In deciding whether to consent to a Supreme Court nominee's appointment, a senator certainly ought to probe for evidence of intelligence, integrity, and open-mindedness—a willingness to be persuaded by cogent argument. Whether a senator will also take philosophy into account should depend to a large degree upon whether the president has done so in making the nomination. A president may nominate a person of considerable ability whose prior career does not reveal a sharply defined constitutional view. In such cases the Senate will have little basis for resting its judgment upon the nominee's philosophical views. But when a president does attempt to direct the Court's future course by submitting a nominee known to be committed to a particular philosophy, it should be a completely sufficient basis for a senator's negative vote that the nominee's philosophy is one the senator believes would be bad for the country. In making this judgment, a senator should consider the present composition of the Court, and how this appointment would affect the Court's overall balance and diversity. As the contributions of justices with backgrounds as diverse as Hugo Black, John Harlan, and Thurgood Marshall make clear, a thoughtful court should draw upon a rich diversity of backgrounds and experiences.

Those who framed the Constitution recognized that the selection of justices was too important to be left to the discretion of a single individual. A critical question for our time is whether members of the Senate are willing to discharge the responsibility for independent judgment entrusted to them by the Constitution.

WALTER DELLINGER

Walter Dellinger is a professor of law at Duke University.

BITTER MYTH

The Long March: The Untold Story by Harrison E. Salisbury

(Harper and Row/Bessie Books, 419 pp., $20.95)

One of the greatest challenges facing China's leaders is to invest the myths and symbols of the revolution with new meaning, or to create new ones that will give the Chinese people a sense of national identity and continuity with the past. For a cynical generation of Chinese who have grown up since the revolution, the Long March and its Red Army survivors evoke nothing so much as images of the special privileges and corruption of the Communist Party elite. Many professors and students have had to deal on a daily basis with all-but-illiterate university officials whose only claim to power was their participation in the Long March; legendary are the amoral exploits of the hated and envied *gaoganzidi*, "high-ranking cadres' children," who take ad-

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vantage of their parents' positions to operate beyond all normal constraints—even, in a number of well-known cases, raping and murdering with impunity. I approached this tale of the heroism of the Red Army with apprehension that it might read a bit like a throwback to the days of leftist propaganda: there had been plenty of publicity about Salisbury's warm welcome by cooperative and, presumably, flattered old army generals, and about his red-carpet "access" to the Long March route.

Salisbury does not, in fact, write much about the ironies of postrevolutionary history. (Perhaps he felt that he could not, given his status as a guest.) But if one keeps them in mind, *The Long March: The Untold Story* is a bitter and fascinating reproach to the veterans who no longer live by the self-sacrificing values on which their revolution was based. As told by Salisbury, the march is essentially the tale of three struggles—against Chiang Kai-shek's KMT and their allied local warlords, against nature and the elements, and within the Communist Party itself.

IN THE summer of 1936, when the communists made a break from their mountain base in Jiangxi province, they numbered over 86,000, about half of whom were new recruits. Most had no idea that they were in flight and became increasingly alarmed as they left familiar territory, over half deserting or dying within the first ten weeks of the march. (At the end of the 6,000-mile march there were only 4,000 left, out of a constantly fluid body of new recruits and deserters.) Although vastly outnumbered by Chiang Kai-shek's men, the communists had agreements with local warlords and very good military intelligence, and they passed through Northern Guangzhou, Southern Hunan, and Guangxi with only one major battle, at Hunan's Xiang River, where about 15,000 men were lost. KMT troops were primarily concerned to defend the cities and keep their assigned areas communist-free, and they made little serious pursuit.

In Guizhou the marchers entered hostile Miao country, and regions so backward that peasants, many of whom had no clothes, were unable to point to where they were on a map. Also in Guizhou the soldiers became "excited at the prospect of seeing Chishui because it had electric lights, something most of them had never seen." These are the kinds of details that make Salisbury's account vivid, reminding us that China was even poorer then than it is now, and that the Red Army drew most of its members from unfortunates and outcasts.

MAO TOOK command from the "Soviet faction" at the famed Zunyi Conference. (He had been expelled from the Central Committee for the failure of his premature 1927 Autumn Uprising and had little to do with the decision to march.) He proved unable, however, to lead the army across the Yangtse river to rejoin other divisions. Shifting strategies, he succeeded in eluding Chiang by making his men travel inhuman numbers of miles, first pretending to go north when he was headed south into Yunnan, then feigning attack on the capital city of Kunming, and climbing instead through the very high Snowy Mountains in the Tibetan country of West Sichuan. In crossing, many soldiers suffered frostbite and died; most were from sub- and semi-tropical South China, and had no experience with the cold.

Waiting on the other side was the large, well-equipped, and much healthier Fourth Front Army, which had established a base in Northwest Sichuan under the leadership of Zhang Guotao. Reunited, the armies crossed the treacherously boggy grasslands of Gansu, possibly the worst phase of the entire trip. Food supplies were at their scarcest, and many soldiers boiled and ate their leather belts and harnesses. "The rough kernels of corn and wheat went through the bowels in a bloody discharge," Salisbury writes. "Now the rear-guard men, faced with starvation, picked over the feces of the comrades who had gone before. They extracted the undigested grains of corn and wheat, as sparrows pick out the oat seeds from horse droppings. . . ."

Mao wanted to continue north, and several final chapters are devoted to his intense power struggle with Zhang, after which there was a factional split. Zhang's group, rebelling against so much hardship, went south with the slogan "travel to Chengdu and eat rice." Mao went north, still lacking a specific goal (as he had lacked one throughout the march). Salisbury tells us that Mao learned of the existence of the Yan'an communist base where he ended up only through a KMT newspaper.

Some sections of *The Long March* grow tedious with battles, military divisions, and officers that tend to blur together, and Salisbury must have been aware of that danger, for he attaches catchphrase descriptions to some of the generals and interviewees, as if to help keep them straight. This often has an unfortunate stereotyping effect. We hear over and over of "Liu Bocheng, the one-eyed dragon," for example, and "that little butternut, the Woman Wei." Other stylistic quirks include trivializing and inappropriate Western analogies, as when Mao and Chiang Kai-shek are compared with Mickey Mouse and a cat, and when another interviewee is called "a kind of Popeye the Sailor Man."

HOWEVER, Salisbury gives an excellent sense of some of the controversies of Long March historiography. When did the Red Army decide to abandon its Jiangxi base, for example—was it a hasty, ill-thought-out decision, or one that involved months, even years of planning? Why did local warlords put up so little resistance? Who was present at certain key meetings? Was Zhang Guotao prepared to attempt a military coup, and what were the contents of a famous secret telegram he sent?

Salisbury's own conclusions tend to show Mao as a brilliant strategist—as the savior, effectively, of the Red Army. However, he also makes it clear that Mao made many questionable decisions—selecting the most difficult ford, the narrowest and most precarious mountain road, the boggiest grassland. His principle was, "In case of doubt, take the small road, the back trail." But other military divisions often fared better than his, as when the Second Front Army chose an easier crossing at the River of Golden Sands. Several of Mao's generals, including Lin Biao, who was later to become his closest associate (and most dangerous rival), questioned whether so much suffering was necessary. Zhang Guotao's army also did better: when the two groups met in Sichuan, Zhang's soldiers outnumbered Mao's ten to one, and Mao's men were said to have envied even his plump horses. Later, in traversing the grasslands, Zhang's route proved the safer. Yet Salisbury mentions Zhang's fleshiness as compared with Mao's leanness as if it were slightly suspicious.

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fering of those who made the Long March, Salisbury perhaps unintentionally evokes a leftist ethos that is no longer dominant in China. Mao's followers' "eat bitterness spirit" was elevated to cult status at the height of the Cultural Revolution mania, leading to slogans such as "the more you suffer, the more revolutionary you are." Meanwhile, those veterans who had suffered for the sake of the revolution had become notorious for their fancy cars, special shops, banquets, cushy jobs, and fat bellies, while those forced to sit through movies about their bravery grew increasingly cynical. Under Deng Xiaoping, most Chinese welcome the less austere values that make it politically safe for ordinary folk to aspire to higher living standards. Whether or not you subscribe to the notion of self-sacrifice as an ideal capable of motivating a nation, *The Long March* provides a fascinating glimpse into Maoist China's myth of its origins.

JUDITH SHAPIRO

Judith Shapiro is co-author, with Liang Heng, of *Son of the Revolution*, and of the forthcoming *After the Nightmare* (Knopf) and *Cold Winds, Warm Winds: Intellectual Life in Post-Mao China* (Wesleyan University Press).

KIDS 'Я' OURS

A Mother's Work
by Deborah Fallows

(Houghton Mifflin, 243 pp., $16.95)

A mother's work, so the saying goes, is never done. Nor, it seems, is the effort to define it. This latest contribution to an understanding of womankind's oldest unpaid profession is part personal testament to the importance of raising one's own children, and part objective description and analysis of the present state of the American child-care system. Deborah Fallows, who thinks and writes with persuasive clarity, brings firsthand experience to both subjects. A dropout from the "have it all" generation, she quit a full-time job as a research linguist after the birth of her second son. What free time motherhood left her, she used to study child-care facilities, particularly day care, that most rapidly proliferating alternative to full-time mothering.

Although Fallows's sympathies, by her own admission, lie more with Gloria Steinem than with Phyllis Schlafly, what she has to say about mothering and child care will drop like a bombshell behind the front lines of the feminist camp, and will arrive like a dozen red roses on Mother's Day at the doorstep of the Moral Majority. For Fallows bravely sticks her feminist neck out on the controversial question of who should raise the children, at the risk of giving aid and comfort to the enemy. She thinks their parents should, and given our current, still flawed, sexist society, that really means their mothers.

Fallows used to think otherwise. Like a lot of women who have had it all—husband, career, and children—Fallows bought the working mother's lulu of a rationalization: the myth of "quality time." But no longer. "To meet my standard of responsible parenthood, I have to know them [her children] as well as I possibly can, and see them in as many different environments and moods as possible in order to know best how to help them grow up. . . . What I need is *time* with them—in quantity, not quality." (Fallows offers no higher authority for her opinion than her own considerable common sense, although she would have found an ally in the late Dr. Selma Fraiberg, whose book *Every Child's Birthright: In Defense of Mothering*, written in 1977, presages Fallows's opinion and supports it with numerous psychological studies.)

If Fallows's pro-maternal credo has a familiar 1950s ring, it should come as no surprise. The dialectic pendulum, like Halley's comet, was due to swing back any day now. That it should bop more than a few feminists on the head on its return trip from thesis to antithesis, on the way to synthesis, was inevitable. Given the various nature of womankind, it was just as excessively single-minded to insist that women really belong in the marketplace as it was reactionary to insist that a woman's place is in the home. Fallows's point of view represents a synthesis of these two opposing ideas; she recommends that parents (until the millennium, read "mothers") stay home and postpone full-time careers until after their children's formative years. Fallows has been to see the Delphic oracle, and has returned with the same old annoying message: moderation in all things—a message that is all the more annoying because we suspect it is true. To the right, she says, "The responsibility of caring for children, consuming as it may be, has limits even while it is going on and will some day be over. What are women to do then?" She is just as tough on the left.

> On a personal level, the workplace seems to offer an answer for just about all the problems and complications of women's lives. . . . Dependent on your spouse? Get an income, and become self-sufficient. No power to back up your opinion? Get equal power with a paycheck—money talks. Only one thing is missing, of course, and that is a conception of how all this affects the children.

In a chapter titled "The Effects of Day Care," Fallows analyzes a number of national studies and finds that many of them seem to be rigged, in both their inception and their interpretation, in favor of reassuring working parents. She takes particular exception to a 1982 report of the National Research Council, *Families that Work: Children in a Changing World*, which states that "working mothers spend almost as much time caring for their children as do non-working mothers." Fallows points out, for instance, that

> for the purposes of this study, the only time that counted as time spent with a child was all-out, undisturbed, down-on-the-floor-with-the-blocks time, while every other real-life activity, such as going with a child to the grocery store, doing the laundry, walking the dog, or making dinner, does not count. Most parents know that just the opposite is true.

Furthermore, Fallows argues that parents, whether they care to acknowledge it or not, remain the most important factors in their children's lives. Although the slogan of all child-care

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facilities seems to be "He/she stopped crying the minute you left," many children, in fact, do not. Fallows mentions one particularly poignant case—a day-care toddler who spent the better part of his playtime crooning a song whose only lyrics were, "Where's Mommy, where's Daddy?" If you're a working parent with a child out there somewhere in training pants, Fallows can make you feel rotten.

BUT FALLOWS is a realist. She recognizes that irreversible developments make the present day-care system inevitable, and she accepts day care as the most democratic solution to the problems of working parents. What she cannot accept are the distressing conditions under which increasing millions (an estimated ten million by the year 1990) of this country's children are being raised.

Fallows spent more than three years researching and visiting dozens of day-care centers throughout the United States, and found that only a handful of day-care facilities approach the high standards we would wish for our children. These centers, which tend to be nonprofit, benefit from strong community support, and not surprisingly, most often service the children of the wealthy. While some centers are merely mediocre, those that suffered the most from federal funding cuts are substandard—sad, shabby holding rooms for too many kids, presided over by a desultory staff, and permeated with a strong scent of ammonia from droopy diapers. Others, equally chilling, are the successful for-profit franchises like Kinder-Care, the Burger King of day care, where little children line up like robotic Lady Macbeths several times a day to wash their hands, and then go off to draw identical ladybugs in arts and crafts. (For-profit centers, which account for about one-half of the country's day-care facilities, spend 45 percent less per child than federally funded, nonprofit centers. So much for private enterprise where child care is concerned.)

Fallows demonstrates how such diverse factors as federal funding cuts, the profit motive, the forces of supply and demand, low salaries, and entrenched attitudes toward "women's work" have all contributed to the present poor quality of our day-care system. Nevertheless, she sees these factors as symptoms, not causes. At the heart of the problem is politics, an unre-

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solved conflict between two warring sectors of our society—the pro-family factions and the women's movement—both of which neglect the best interests of the children in favor of their own vested ideologies. Conservative spokesmen, such as Jerry Falwell, pay lip service to the economic necessity of mothers in the marketplace, but continue to lobby against federal funds for child-care services. As for the women's movement, Fallows argues, feminists must be pro day care since they are so dependent upon it; they don't dare acknowledge its defects.

Fallows concludes by suggesting that yet another neglected, underestimated, and underutilized sector of society—the elderly—might be mobilized to staff day-care centers, and further, that if this nation ever resumes the draft or a broader form of nonmilitary national service, young men and women might fulfill their obligation by working in child-care facilities. In the meantime, the book that Fallows researched and wrote while her two small sons napped or made vroom-vroom noises with their Tonka toys is convincing evidence that motherhood need not be synonymous with brain death. This mother's work is a compelling, disturbing, and important contribution to a continuing debate.

MARY-LOU WEISMAN

Mary-Lou Weisman is an essayist and the author of *Intensive Care: A Family Love Story* (Berkeley Books).

Shoah at the scene of the crime.

WHAT POLAND FORGOT

BY ABRAHAM BRUMBERG

WHEN Claude Lanzmann's nine-and-a-half-hour film *Shoah* (the title is Hebrew for "holocaust") opened in France last April, all the critics—from *L'Humanité* to *Le Figaro*—hailed it as an unsurpassed and unforgettable masterpiece. This, too, was the judgment of American critics after the film opened in New York on October 23. The handful of British critics who have managed to see *Shoah* before its official opening in England have been similarly struck by its unique blend of historical truth and artistic majesty. The only harshly discordant note in this otherwise harmonious chorus of praise has come from Poles: the official press in Poland, and some Polish émigrés in the West.

It is not surprising that Poland should figure prominently in *Shoah* and that the film should therefore be of particular interest and concern to Poles. Nor is it surprising that many Poles should find parts of it profoundly disconcerting. Poland was the country where all of the German death camps—Auschwitz, Treblinka, Majdanek, Sobibor—were located. Hundreds of thousands of Polish peasants lived near those camps. They went about their work with the stench of burned flesh in their nostrils; over their shoulders they saw smoke rising endlessly to the skies. Their villages were emptied of people who had lived for centuries in their midst. They were there when Jews were beaten and driven by whips, clouts, and bayonets into sealed freight cars, transported for hundreds of miles without water or food, then unloaded and again beaten, whipped, and forced to run—a terrorized heap of humanity, half-dead, half-crazed, covered by blood and excrement—to the "undressing rooms," and thence onto the "road to heaven" (as the Germans dubbed it) that led directly into the gas chambers. Poles were, in other words, the most intimate witnesses of *Shoah*'s central and excruciating subject—death.

Just as Claude Lanzmann was bent on probing the minds of its victims and its agents, so he was determined to extract every single detail from its witnesses. How did they feel when the horror raged around them? What did they think of the behavior of the SS and its Ukrainian, Latvian, and Lithuanian allies? Sometimes the answers are moving. One peasant, recalling a mother shot through her heart when she tried to run away from her tormentors, begins to cry, and Lanzmann puts a comforting arm on his shoulder. Another, a railway man who drove the locomotives that pushed the freight cars to Treblinka, is patently withered by his memories. Late in the film we watch a 40-minute interview with another kind of Polish witness: Jan Karski, now a professor of international relations at Georgetown University, during the war a courier for the Polish underground. Karski visited the Warsaw Ghetto twice in late 1942, on the eve of its final extinction. He was charged by the leaders of the Jewish resistance to tell Western leaders about the impending fate of an entire people, to demand that Western leaders take steps to stop it. (He did; he failed.) When in the film he recounts his experiences in the ghetto he breaks down—not once, but twice. These are heartbreaking moments.

They are also rare. For by and large peasants display an attitude of indifference at best, more frequently of ill-disguised and even malignant satisfaction that the Germans finally succeeded in getting rid of their despised neighbors. It was terrible what they did to the Jews, they tell Lanzmann, but weren't those "Zydki" (an offensive diminutive for "Zydzi," Jews) "rich" and "dishonest"? Hadn't they controlled all of prewar Poland's industry and "capital"? Hadn't they always cheated and exploited the Poles? Weren't their women indolent sirens who stirred indecent desires in Polish men? The Jews were ugly, say some peasants; they stank, say others. While it is true, several say, that Poles were forbidden even to look at the Jews in the freight trains, sealed off from the outside world, they nevertheless managed to discover that the suitcases the Jews carried had "false bottoms" and were filled with "gold and other valuables." Most shocking is the scene already described by many critics: a group of peasants in front of a church, who first welcome one of the two survivors of the 400,000 Jews slaughtered in their town, and then, swept by a wave of religious fervor after watching a procession emerging from the church in honor of the Virgin's birthday, proceed to inform Lanzmann that the Germans were instruments of "God's will," punishing a people that had demanded and brought about the

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death of His only Son.

It is not surprising that this evidence of persistent and virulent hatreds, lurid fantasies, and sexual, religious, and economic jealousies should have dismayed so many Poles. Not that all Poles reacted the same way: at a screening and discussion of the film at Oxford, sponsored by the Institute for Polish-Jewish Studies, a number of Poles, including Leszek Kolakowski and the rector of the Jagiellonian University in Krakow, Jozef Gierowski, praised the film unreservedly. Yet many of the Polish viewers felt that *Shoah*, whether by accident or intent, was woefully "unbalanced," and that its depiction of anti-Semitic attitudes in Poland now and during the war was at odds with the truth. Several condemned it out of hand.

THE MOST furious broadsides emanated from the official press in Warsaw. What were the specific charges? One: that Lanzmann deliberately "defamed" the Polish people by accusing them not merely of anti-Semitism, but of being "co-responsible for the extermination of the Jews," of having been the "ideological and actual ally of the Nazis." Two: that *Shoah* was a deliberate attempt to deflect French attention from their own history of complicity with the Nazis and from the "current wave of racism that is sweeping France." Three: that Lanzmann was and is being manipulated by "well-known anti-Polish Zionist circles in the West."

It is curious that even some of those critics who have been unstinting in their praise of *Shoah* fail to grasp Lanzmann's intention, which is to examine exclusively, single-mindedly, relentlessly one thing and one thing only: how and under what circumstances six million Jews were put to death, for no reason other than that they were Jews. *Shoah*'s principal villains are the Nazis, who masterminded the "Final Solution," and proceeded to implement it with a mixture of satanic sadism and icy, impersonal efficiency. Their culpability speaks through their words, their complacent smiles, their shifting gazes, their curious "lapses" of memory.

Unlike the Germans, the Poles neither engineered nor carried out the "Final Solution." Unhappily, however, many of them could not care less about what happened to their neighbors. Others were bothered—or upset—but unwilling to extend sympathy or aid, and still others were palpably pleased. As Jan Jozef Lipski, one of the founders of KOR (Workers' Self-Defense Committee)—not a Jew—put it several years ago in an article on Polish nationalism: "Don't we really remember the sentiment voiced during the occupation: 'After the war, we'll build a monument to Hitler'?" It is this set of attitudes that Lanzmann's camera captures in the scenes with the Polish peasants. Should he have excised them in order to avoid being branded "anti-Polish"? Should he have gone out of his way to find other non-anti-Semitic Poles, whether or not they met the criteria he had set for his "protagonists"—that is, their direct relationship to the machinery of death—just for the sake of a less discomfiting and more "desirable" balance?

At any rate, "balance"—which is to say, objectivity—is not what most of Lanzmann's critics are after. Unable or unwilling to face disagreeable truths, they demand sanitized history instead. And those who refuse to pander to this demand are accused either of distorting Polish history, or of waging a vicious campaign to discredit Poland in the eyes of the West. Such charges are voiced not only in the Communist papers (always adept at "unmasking" sinister conspiracies), but in non-Communist publications, too. (It is Hollywood Jews, said a recent article in the Paris *Kultura*—the same journal that carried Lipski's essay on nationalism—who are behind the concerted campaign of "anti-Polonism.") The argument is always the same: Polish anti-Semitism before, during, and after the war has been a "marginal" phenomenon, firmly rejected by the vast majority of Poles.

IS THAT really the case? The facts tell a different story. In prewar Poland, the call to render the country *Judenrein* was not merely the stock-in-trade of neo-fascist groups such as the National Democrats. It was the policy enshrined in the programs of nearly all political parties. (The only exceptions were the Polish Socialist Party, the minuscule Democratic Party, and the even smaller Polish Communist Party.) During the war, as millions of Polish Jews were being systematically put to death, those parties, now functioning underground, continued to preach the same hateful doctrines and programs. (Not that most of them approved of murder and extermination. As one of the "theoreticians" of the National Democrats, Feliks Koneczny, wrote in occupied Krakow in September 1943: "The slogan 'Beat the Jew' brings irreparable harm to the cause of antisemitism. The dictates of morality are unconditionally obligatory, even in antisemitism.") Whether by voluntary or forced emigration, the Poland of the future, these papers continued to stress—even as the issue became increasingly "academic"—must be rid of Jews.

It was precisely this attitude of poisonous anti-Semitism that made it so difficult even for those Poles who wanted to save Jews (there were many of them ready to do so, at the risk of their own lives). Worse: the organization "Zegota" (Council for the Aid of the Jews), organized in late 1942 by a group of lay Catholics, found it necessary to justify its existence by invoking the "Christian duty" to help Jews, even though "their fate is a well-deserved punishment" inflicted on a nation "that since the time of Bar Kokhba has been a parasite on the European body politic." A year later, after nearly three million

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Jews had already been murdered, the underground paper *Narod*—organ of the party whose leader, General Sikorski, was then prime minister of the Polish Government in Exile—deplored the extermination, but then added: "Let us not, however, indulge in false grief for a people that is entirely alien to us."

ONE OF the claims repeatedly made by many Polish books and newspapers (in Poland no less than in the West), most recently in relation to Lanzmann's film, is that the Polish Home Army did whatever it could to help the Jewish resistance—for instance, providing the Jewish Fighting Organization in Warsaw with large quantities of weapons and ammunition. Again, the facts are rather more sobering. Until January 1943, when the Jews staged their first uprising, they received no more than ten pistols from the Polish Home Army, many of them unusable. Subsequently they obtained 50 more pistols, some hand grenades, and incendiary material for the construction of homemade Molotov cocktails—this from an army that, according to its then-representative in the United States, disposed of 25,000 rifles, 6,000 revolvers, 30,000 hand grenades, and other types of even heavier weapons. It is also an incontrovertible fact that the Home Army refused to admit Polish Jews—that is to say, fellow citizens—into its ranks.

If the army wasn't as supportive as some Poles claim, the Catholic Church wasn't as benign either. Both the Warsaw press and a great many émigré Poles believe that critics of Poland (including, presumably, Lanzmann) vastly "exaggerate" the unsavory record of the Church. Exaggeration is hardly necessary, however, given the sermons sodden with anti-Jewish hatred; the frequent portrayal in Catholic papers of Jews as usurers, white slavers, and pornographers; the participation of parish priests in the hate campaigns and even pogroms organized by the neo-fascist National Democrats during the interwar period.

This is all a matter of record, documented and indisputable—yet never so much as mentioned in any of the Catholic papers published in Poland today, however liberal and ecumenical. In 1946 Stefan Wyszynski—the bishop of Lublin, later primate of Poland—declared that the question of whether Jews did or did not commit ritual murder was still "undetermined." (In 1945-46 more than 1,500 Jews fell victim to assassinations and pogroms, the latter often sparked by rumors of ritual murder.) And as late as 1982, an official Vatican publishing house came out with a book of sermons by Father Jozef Tischner, the acknowledged "spiritual teacher" of Solidarity and author (in English) of *The Ethics of Solidarity*, one of which reminded his listeners (and readers) that "it was in Israel that the crime of deicide was committed"—a crime for which "the Israelite" will one day be "placed in the dock." (Despite protests and a promise to "clarify" these words, Tischner has thus far not seen fit to say anything on this matter.)

IT IS not hard to understand why many Polish peasants, despite Vatican II's repudiation of the doctrine of Jewish deicide, still voice sentiments they imbibed with their mothers' milk. It is rather more difficult to explain why Cardinal Glemp has not even once reminded his parishioners of the new teachings on this subject; in fact, the cardinal has inadvertently revealed his own views by complaining that Solidarity had become "infiltrated" by people "devoid of Christian ethics," and by "Trotskyites"—a code word for Jews. And even Pope John Paul II, whose personal record on anti-Semitism is impeccable and who praised *Shoah*, fell into the familiar and insidious practice of blurring the nature and meaning of the Holocaust—failing to understand that the Jews were victims unlike any others during the war. "In Auschwitz," he said this fall as he hailed the film, "millions of men, women, and children, of Jewish and Polish origin as well as from other countries, experienced the calvary of systematic annihilation."

To this day, neither the official press in Poland, nor its Catholic component, has faced these issues squarely and honestly. The history of Polish Jews, or of Polish-Jewish relations, or of the contributions of Jews to Polish history and culture, is either distorted or passed over in silence. The subject of the magnitude, origins, and nature of Polish anti-Semitism is taboo. Fortunately, however, a growing number of Poles seem determined to put an end to this state of affairs. An Institute of Jewish Studies has recently been established at the Jagiellonian University in Krakow. Groups of Polish lay Catholics have over the past few years been sponsoring "weeks of Jewish culture." The underground press, too, has carried articles and letters that reject the prevarications propagated by the official press, most recently in connection with *Shoah*. A splendid piece in the Krakow underground journal *Arka* (November 7, 1985), by a Marek Leski (a pseudonym), is part of a legacy of the Solidarity period, when pluralism, tolerance, a more self-critical attitude toward the past, and an attempt to rectify historical wrongs were signs of a population contemptuous of its rulers' mythology and wary of the nation's propensity for mythmaking too. "The problem of Polish-Jewish relations," writes Mr. Leski,

> and in general the attitude of Poles towards all national minorities in Poland during the interwar period and before, becomes a far more fundamental problem—namely, the ability of Polish society to assimilate the mechanisms of pluralism.

The anti-Semitism and xenophobia that were an important element of Polish national consciousness, he continues, were an egregious and authoritarian by-product of "romantic nationalism," which may have helped Poles endure the loss of independence and sovereignty—but at a price that they must never again be prepared to pay. What Poland needs, above all, is an ability to settle accounts with its own past, of which "Polish nationalism and its xenophobic elements" are an integral part:

> To do it, therefore, is an important task in the attempt to bring our society into the community of nations with a civic, libertarian and pluralistic culture. This is precisely why the tendency to close one's eyes to Polish anti-semitism and minimize its role in our political traditions is so unreasonable and, indeed, so harmful. The conviction that to speak about it is to engage in something shameful, and something that paralyzes the national will of Poles and their faith in themselves, is in fact an expression of lack of faith in the self-critical abilities of Polish culture. The only guarantee against similar errors in the future is to remember errors of the past, the wasted opportunities of utilizing the intellectual and social potentials that existed in our ethnic minorities, the insensitivity to other cultures' achievements, and the indolence and sloth of the troubadours of national self-glorification. □

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CORRESPONDENCE, *from page 6*

ally shared the view that jazz musicians were neglected, and that the American public was unfriendly toward jazz.

UNCULTURED EXPORTS

To the editors:
Anita Desai's "The Rage for the Raj" (November 25) is a thought-provoking exercise in the perceptual mutuality of East-West misunderstandings. Rajiv Gandhi's "pollution" of the Seine with the holiest water from Gangotri, and the rescuers' attempt to offer Munna (the trained bear kidnapped by the animal lovers of Paris) chicken exemplify the point. I do not object to the cultural exports as a means of trade and diplomacy. I am appalled when gross misrepresentations insult the Indian genius. A few years ago I insisted upon the inclusion of a *ghazal*, an Urdu style of poetry, in an Indian cultural function. My suggestion was turned down by the organizers because *ghazal*, according to them, did not represent the Hindu culture. It was an insult to my intelligence and the Indian humanity. Indians must learn how to represent themselves abroad. Exhibitionism devoid of self-awareness is a self-defeating romance of pretentious jugglery.

BRIJ MOHAN
Baton Rouge, Louisiana

CHEEKY ANGLOPHILIA

To the editors:
In his Washington Scene column ("The Second Coming," December 2), Henry Fairlie expressed his disgust for American bowings and scrapings before English visiting nobility. He may have missed a nuance there. I'd bet the deep-knee-benders never forgot for a moment what happened at Yorktown, and I don't thing the Brits forgot either. There is no social pleasure more satisfying than overacting "la politesse," with the tongue carefully in the cheek.

ANN M. DICKINSON
Gardiner, Maine

The editors welcome correspondence from readers. Letters should include the writer's full name, address, and telephone number; be typed double-spaced; and be held to under 200 words. Letters may be edited for space. Please address letters to: Correspondence, TNR, 1220 19th Street, N.W., Washington, D.C. 20036.

TRB, *from page 4*

But then, fine distinctions are mother's milk to the legal profession. The American Bar Association, which has been debating this question for years, used to take the position that a lawyer faced with a perjuring client should put the client on the stand and permit him to lie "in narrative form," with minimal participation by the lawyer. As the Criminal Defense Lawyers point out, this is designed to protect the lawyer's alleged integrity without resolving the fundamental question one way or another. The ABA's current position is that the lawyer with a perjuring client should "seek the court's guidance."

It's true that a lawyer needs the confidence of his client in order to stage an effective defense. How can there be this confidence if the lawyer is allowed to rat? But "effective" can mean two things. One is giving the client a full opportunity to prove his innocence. Another is giving a guilty client the full opportunity to use all the inevitable imperfections of our legal system in order to get off. A client who is forced to tell the truth—or even tricked into it through misplaced confidence in his lawyer—has been denied an effective defense in the second sense. The Fifth Amendment protects an accused's right not to testify. It doesn't protect the right to testify falsely.

Perhaps, as some argue, any official weakening of the lawyer's duty to his client will affect poor criminals in the daily justice mill more than rich ones who can hire high-priced advocates. But it takes a special sense of justice to want the guilty poor to have the same shot at escaping punishment through fraud as the guilty rich. Anyway, it is skilled lawyers for the rich who will take the most imaginative advantage of any license to help clients fabricate evidence.

Professor Monroe Freedman of Hofstra Law School, leading voice of the lawyer-as-advocate-above-all school, argues that the lawyer needs freedom from any constraints on serving his client in order to establish a "relationship of trust and confidence," but that he can use this trust "to dissuade the client from wrongful conduct." In other words, the way to prevent people from committing perjury is by requiring their lawyers to help them commit perjury. Wow. This is the kind of dazzling legal reasoning that only a lawyer could love.

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WASHINGTON DIARIST

No Saint

I DON'T SHARE TRB's misty-eyed reverence for Ralph Nader, or "Saint Ralph," as he called him last week. My low opinion has little to do with Nader's reflexive pitch for a new federal bureaucracy to deal with each human problem he encounters, though I'm not crazy about this tendency. Rather, it's based on my one experience with him. This was back in 1969, when I had taken a leave of absence from my newspaper job to work for Joseph (Jock) Yablonski, who was running for president of the United Mine Workers. Nader had paved the way for the Yablonksi candidacy by exposing rampant corruption in the UMW under then-president Tony Boyle. And Nader had also helped recruit Yablonski, a disenchanted member of Boyle's cabinet, as the challenger. But Nader didn't stand by his man. Sometime during the campaign, he got wind of a few unsavory episodes in Yablonski's distant past, and he quietly pulled away. Yablonski felt seduced and abandoned. He couldn't figure out why Nader had stopped helping him, and Nader never had the courage to tell him. Nader even refused to sign his name to letters seeking poll watchers for the election, which predictably was stolen by Boyle's forces. Three weeks after the election, Yablonski and his wife and daughter were shot to death by hired killers, and years later Boyle was convicted of hatching the murder plot. This gave the Yablonski campaign the retrospective glow of a holy crusade, and Nader didn't want to be labeled as the fair-weather friend who ducked out. He and his munchkins tried to banish criticism of his role with Yablonski from a book about Nader by Charles McCarry. One Nader aide badgered me to retract or at least soften what I'd told McCarry. It was one thing for Nader to change his mind about Yablonski, quite another to suppress information to keep his goo-goo image. He was no saint in this affair. But there was one: Washington lawyer Joseph L. Rauh Jr., one of the few liberals willing to take on organized labor and fight for union democracy. Rauh had no illusions about Yablonski's past. All he knew was that one brave man was putting his life on the line to clean up a corrupt union. That wasn't enough for Nader.

I DON'T UNDERSTAND the huffy attitude that some columnists took toward the visit to Washington by Prince Charles and Princess Diana. Joseph Kraft complained that Americans were "living off the only aristocracy we have—the aristocracy of Britain." But the flutter over the fun couple, which I participated in, had little to do with their royalty. Heredity was irrelevant. What mattered was that they are world-class celebrities, probably the most glamorous and attractive couple in the world (sorry, Sean and Madonna). Anybody who dominates *People* magazine as they do is bound to draw crowds. They did, including 150 or so journalists who met and chatted with Charles and Diana at a reception at the British Embassy. In truth, I wasn't on the invitation list. But another TNR editor was, and when he foolishly said he didn't want to go, I selflessly stepped forward. The reception turned out to be an eye-opener. Diana was lovely, but she also proved to be an excellent mingler. She talked for 30 minutes or more about this and that in a manner that would make any politician's wife proud. In other words, no memorable comments, no gaffes. Charles rose to the occasion too. He was the perfect politician's husband. Too bad neither of them is married to someone who's running for office. If Geraldine Ferraro had a husband like Charles, maybe she'd have gotten somewhere as a vice presidential candidate last year.

IN COVERING AN American-Soviet summit, the press invariably begins to treat the two sides as moral equivalents. Both have been guilty of name-calling, etc., but now is the time to get down to business, said host David Hartman on ABC's "Good Morning America." Others echoed Hartman. But the moral equivalizing didn't bother me much this time; maybe I'm inured to it. What did rankle was the coverage of Soviet dictator Mikhail Gorbachev's public conversation with Jesse Jackson, who's never met a Communist leader he didn't like. Jackson and Gorbachev yakked for 45 minutes as the TV cameras rolled. It was great television, especially since a news blackout had been decreed in Geneva. The press loved it when Jackson took on the role of point man for Soviet Jewry. Gorbachev came off fairly well too. Well, consider for a moment what sort of press treatment President Reagan would have gotten if he'd held a public meeting at Geneva with a Soviet dissident. What if he'd talked out in front of his château with Aleksandr Solzhenitsyn? The novelist might have given Reagan grief about some of the aspects of American life he doesn't like—rock music, say—and also might have criticized the Soviets. Reagan would have been denounced for sabotaging the summit, for returning to the tired Cold War mentality, for needlessly chilling his relationship with Gorbachev, for jeopardizing the world's chances of averting a nuclear holocaust. And so on.

DÉTENTE REALLY DID break out at the Geneva summit. I don't mean between the United States and the Soviet Union. I'm talking the sort of détente that really matters—between the State Department and Defense Department. The doves at Foggy Bottom and the hawks at the Pentagon have been squabbling ever since the Reagan presidency began, and the fighting continued right up to the start of the summit. Then, face-to-face with the Big Bear, they stopped bickering and worked together. All of which leads me to my point. The person who gained the most influence inside the administration at the summit was Richard Perle, the hardest of hard-liners, yet a fellow who got along famously with the more dovish striped-pants types at Geneva. Perle, an assistant defense secretary, was not the irreconcilable foe of better relations with the Soviets that he is often cracked up to be. In post-summit Washington, he now takes on a far bigger role, bigger perhaps than that of his boss, Defense Secretary Caspar Weinberger, who didn't go to Geneva. In working out warmer ties with the Soviets, Perle is indispensable. The folks at State need him if they are to move ahead with the Soviets. To keep Perle on board, they have to take into account his skepticism of Soviet intentions and his views on arms control and Star Wars. This is détente with a winner, Perle.

F.B.

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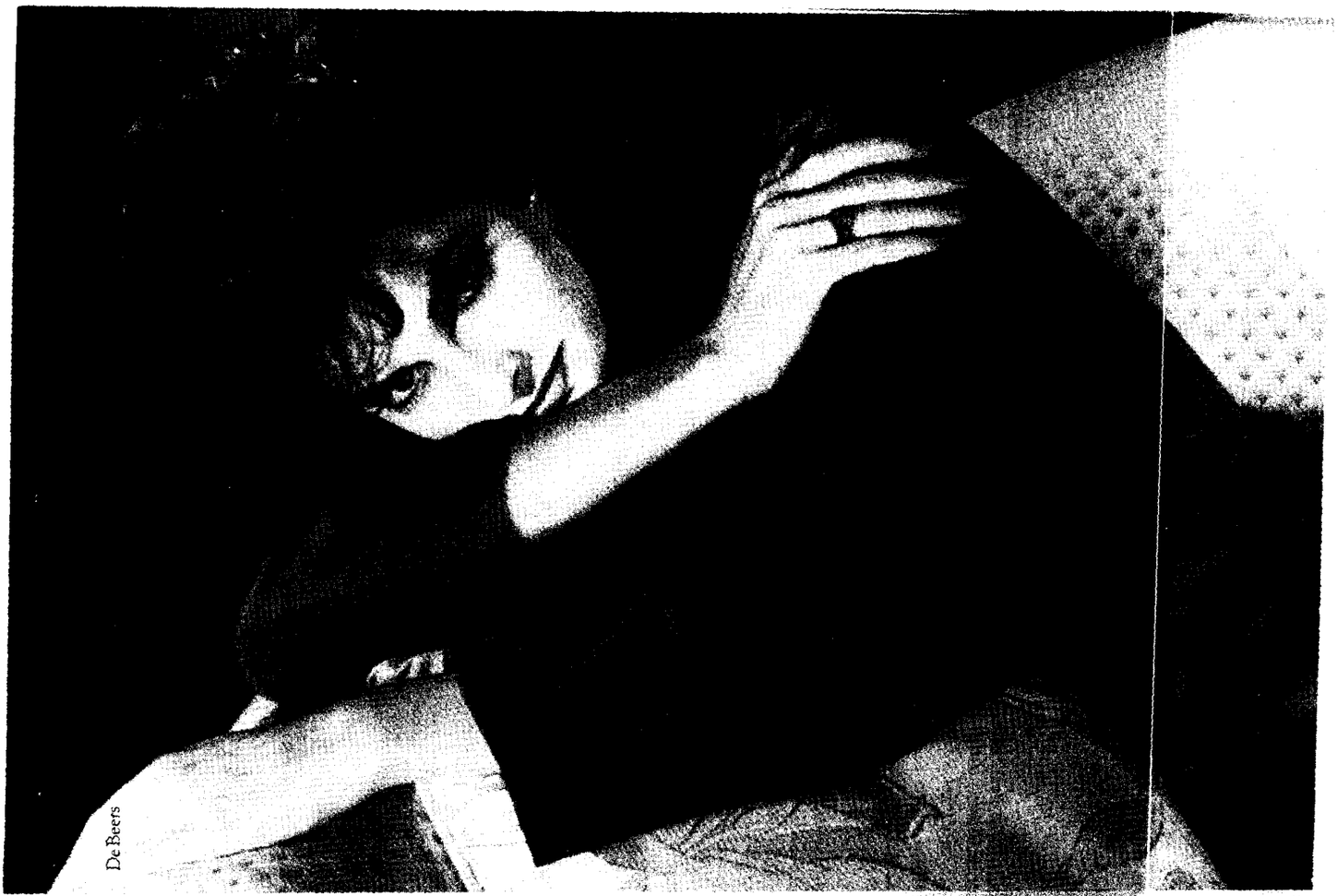

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